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HENRY M. GILL,
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The Cabildo, New Orleans, La.

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THE LOUISIANA
HISTORICAL QUARTERLY

Vol. 16, No. 2 April, 1933

THE INTERREGNUM IN LOUISIANA IN 1861.

The Course of Events in the State from November, 1860, to April, 1861.

By LANE CARTER KENDALL, M. A.

INTRODUCTION.

THE fact that for almost sixty days—from January 26 to March 21, 1861,—Louisiana was a free and independent nation seems to have escaped the attention of practically all of those who have written upon the history of the state. In those works where reference has been made to the subject, it has been dismissed with a brevity altogether incommensurate with its importance. Gayarré, writing within a relatively short time after the event, disposes of it with some three pages, in which he sums up the entire secession movement, and omits to indicate that Louisiana finally cast her lot with the Confederacy. Phelps, one of the most competent and accurate historians of the state, devotes some twenty lines to the subject. But, aside from mentioning the dates on which Louisinana severed its connection with the United States government, and linked its destinies with the Confederacy, he says nothing to show that he was aware that, in the interim, the state acknowledged any other form of authority. Martin, of course, writing previous to the Civil War, makes no mention of the subject; Fortier passes it over with a celerity equal to his predecessors; and Ficklen was apparently unconsious of the significance of the occurrence, contenting himself with a short description of the convention, but making no allusion to the fact of the independence of the state. Jefferson Davis, in his *Rise and Fall of the Confederate Government*, ignores the subject al-

together. *Curry's Civil History of Confederate States,* devotes two lines to it. Richard Taylor gives the best extant account of the rise and disappearance of the "republic" of Louisiana, in his *Destruction and Reconstruction,* but even he fails to appreciate its importance, and covers it to his own satisfaction, at least, in two or three pages.

That so remarkable an episode in the history of Louisiana should have received such scanty recognition may seem extraordinary, but it is in line with the manner in which the similar situation in the other seceding states has been handled by the historians of the Civil War. Of the eleven states which withdrew from the Union in 1861, five really established themselves as free and independent powers. That is to say, they assumed sovereignty upon withdrawing from the Union, and did not declare their allegiance to the Confederate government until a later date; and necessarily, in the interval, functioned as fully constituted political entities, owing fealty nowhere outside of their own frontiers. These States were Alabama, which became an independent power on January 11 and continued so until March 12; Mississippi, which exercised the prerogatives of nationality from January 9 to approximately March 25;[1] Virginia, independent from April 17 until May 24, on which day the final result of the ratification by the people at the ballot box was announced; Florida, from January 10 to February 26; and Texas, from February 1st to February 23. The dates on which Georgia and South Carolina ratified the Confederate constitution, thereby identifying themselves with the new federation, are not given. Nevertheless, in the works which profess to detail the steps by which the Union was dissolved, and by which the Confederacy was brought into being, the reader desirous of knowing something about the curious and significant intermediary period generally looks in vain.

This lack of knowledge on the part of the self-designated chroniclers of the past has supplied the motive for the present study. Louisiana, with the one exception, was the state which remained longest an independent nation. The exception was Mississippi which seceded fifteen days before Louisiana, and entered the Confederacy at practically the same time. Tennessee and Arkansas, on the other hand, are officially stated to have joined the "Confederate Alliance" before severing their connection with the Union; so that Arkansas and Tennessee were under both

[1]The precise date on which Mississippi joined the Confederacy is not available in the material accessible in New Orleans.

governments during a period of from three weeks to a month. These two states, therefore, were never really independent and sovereign nations, as was the case with the others.

It may be interesting to point out before taking up exculsively the story of Louisiana that she was not alone in seizing federal property within her borders before declaring her secession from the Union. Georgia, Florida, and South Carolina also acted precipitately. The importance of this fact lies in the treasonable nature of these very injudicious acts. But, legally, these state governments continued to be members of the old Union until their conventions met and formally adopted the ordinance of secession on the dates mentioned above.

No attempt can be made here to deal with the evolution of the separatist politics of Louisiana factions during the various decades preceding the Civil War, when secession was more or less definitely accepted as a party issue. This has been done very fully elsewhere. It is, however, necessary, for the purposes of the present study, to survey the state of opinion immediately preceding the assembly of the convention in Baton Rouge in January of 1861. This phase of the subject has likewise received far less attention than its significance would justify. The present work, however, deals particularly with the work of the convention, considering it to be the governing power in the independent state of Louisiana.

The historians who mention the existence of the convention and its labors during the memorable sixty days of independence, have slighted much of its work, where they have stopped to refer to it even in the most casual fashion. One of the few facts mentioned in this connection is the adoption of a state flag. Taylor is probably the one writer on this subject who pauses to refer to this episode, and it is only because he was a member of the committee which designed it. But even from his pages the fashion of that flag is not clear. It has been stated that the pelican flag was used during the period of independence. Yet even the most cursory examination of the documents will reveal to the student that the convention adopted an entirely new ensign, and that this was done formally by a legal body acting with the authority of the state of Louisiana, whose enactments were considered to be binding. If Louisiana, therefore, has an official flag, it is the red-white-and-blue striped banner created by the Elgee committee in 1861, and not the pelican flag, which is in use today,

for which there is apparently no justification in any legislative enactment.

It has seemed worth while, therefore, to go over all the available material with regard to the election of the members of this convention, and its procedure, and to put the data into the shape in which it appears in the following pages, in the hope that future historians may be able to deal fully, understandingly, and sympathetically with an incident which is extraordinary in the history of our nation. When Louisiana voted for the state convention which ultimately adopted the ordinance of secession, an epoch came to its close. It was extremely significant that, within the territorial confines of the United States, for a short time, some eight separate nations all speaking the same tongue, cherishing approximately the same ideals, but differing radically in the interpretation of certain political principles, should have come into existence. It is to be hoped that this study, which aspires to supply the detail overlooked by our historians, will shed new light upon this episode, at least insofar as Louisiana is concerned.

CHAPTER I.

SECESSION OR NO?

EARLY IN 1810, a troop of rugged and rough-looking fontiersmen appeared before the gates of the fort at Baton Rouge, which was held by the Spanish authorities. They demanded that the post be surrendered to them. The force at their disposal was such that only one man, a young creole lieutenant Grandpré by name, ventured to resist them. A brief engagement took place, and when the smoke of battle cleared away, that brave young soldier was found dead, shot down at the gate of the reservation. The Americans had taken possession of the fort and after a gesture of independence the Republic of West Florida delivered it to the United States.

A half-century later, a column of uniformed and well-officered troops approached the United States arsenal at Baton Rouge, and finding it unoccupied, marched in. Their commanding officer, Col. J. B. Walton, of New Orleans in the presence of the governor of the state, claimed the property for Louisiana. Just what reasons actuated these men, and the causes leading up to their actions, constitute a very strange and interesting story.

It will be remembered that the entire south felt itself affronted by the politics of the national government. The election of Abraham Lincoln to the presidency was considered by many the culmination of a long series of insults and abuses visited upon this particular region. It will be likewise recalled that South Carolina, which in 1832 had threatened to nullify certain acts of Congress, now declared that she was menaced to a greater degree by the ascendency of the apostle of the so-called "Black Republican" party.

Louisiana had always been conservative in her politics. Alone of the southern states, she was an advocate of protection. Her position in this regard was dictated by the importance of her sugar industry. Yet the current of unrest, the presentiment of danger were felt to a considerable degree in this state also. It so happened that in 1860, the state was at the crest of a wave of prosperity which it has seldom experienced since.

> The winter of 1860 and 1861 gave promise of being even gayer than usual in New Orleans. The crops had been large, and cotton and sugar were selling at satisfactory prices, and the planters had begun to congregate at the great caravanseries, the St. Charles and St. Louis hotels. The drawing rooms and salons of these great buildings were crowded with beautiful women of the South. arrayed in elegant toilets and sparkling with flashing diamonds. The opera was in full blast and the brilliancy of the audience had never been excelled. Money was abundant, the vaults of the banks plethoric, and the accounts of planters with their factors showed magnificent balances on the proper side of the ledgers. Lincoln, the representative of the abolition or republican party, had been elected to the presidency and the people of the South were apprehensive that the republican party in power meant aggression and interference with the rights of property in their respective states . . . .[1]

New Orleans itself at the beginning of the winter, showed marked signs of prosperity.

> . . . . in his message addressed to the Council on October 10, 1860, Mayor Monroe was able to congratulate the community upon its health and prosperity. He gave in this document a statistical account of its growth in business, wealth, improvements, and population. The increase and extension of wharves necessitated by the development of

[1] *Biographical and Historical Memoirs of Louisiana*, Chicago, 1892, p. 81.

> commerce was mentioned. The debts for 1860 had all so far been met, and no legal obligation was due till 1863, when outstanding obligations amounting to $228,000 would mature. The police forces had been increased to 338 men . . . The public schools were in good condition.[2]

Shipping crowded the port; the papers were filled with advertisements of the departure of sail and steam boats. The streets of New Orleans were thronged with busy men of affairs, and in the country planters inspected their fields eagerly, expecting a phenomenal yield. Everything pointed toward happiness and economic independence.

No one dreamed of the possibility of war. Even in July, when the Republicans nominated Abraham Lincoln to be the party standard bearer in the campaign for the presidency, the prospect of civil strife was unthought of. As the day of election drew near, however, the rumors of what would happen if Lincoln were elected became more and more alarming. South Carolina's open declaration that she would regard the accession of Lincoln to the presidency as sufficient cause for secession hung ominously over the scene, but it was not until late in October of 1860 that Louisiana began to fear she would be drawn into any conflict. In November, with the election returns, began the struggle between "separate secessionists" and "co-operationists" which was the prelude of the war which was to come so soon.

In November, 1860, the momentous election took place. In May the Democratic party at its national convention had split and two tickets were nominated. As a result there was a division of votes. The candidates put up by the Democrats were Breckenridge, Bell, and Douglas—with the states so aligned that it would be impossible for any one of these men to poll enough votes to win. The "Black Republicans" nominated Abraham Lincoln, who had declared that slavery was an evil, and that the Union could not exist with any such institution in its midst. Louisiana went Democratic, but its votes were so distributed that its effect in the Electoral College was nil. Lincoln did not obtain a single ballot in the entire state. By the intricate and peculiar American system, Lincoln, although a minority candidate actually polled more electoral votes than any of his opponents, and was therefore declared elected president.

Hardly a fortnight had passed before Governor Thomas O. Moore, a wealthy planter and politician, issued a call for the Lou-

[2] Kendall, J. S., *History of New Orleans*, Chicago, 1922, p. 231.

siana state legislature to meet in extra session. This action on his part excited a great deal of comment, because the General Assembly was due to convene in regular session within a short time after the date set by the call.

Thomas Overton Moore who signed the order convoking this meeting was a native of Sampson county, North Carolina, and had been sworn into office in January of 1860.

> A large planter and necessarily a believer in slavery a strict believer in the doctorine of "States-Right," the governor could not see how it would be possible for the State to remain in the Union with the "Black Republican Party" and its President in power. To him the Union had been dissolved by the Northern and Western States by their failure to elect Breckenridge and Lane. He could not understand how the cherished institution of slavery could exist with Lincoln as President. He knew the feeling of the majority of the people of the State and that if a Republican were elected, Louisiana must leave the Union to protect its property. The politicians had seen it proper to keep this well in view during the late campaign. The result of the election was scarcely known when on November 19th, 1860, within two weeks after it had taken place, Moore issued a call for a special session of the General Assembly to meet in the State capital at Baton Rouge on the 12th day of December. When the representatives of the people met the Governor sent them a message telling them of the result of the election, and what, in his opinion, it meant to slavery . . .[3]

Two days previously, on the 17th, the *Gazette and Comet* of Baton Rouge made this observation:

> The press seems to have let go. Even the conservatism which seemed a month ago, to view the coming storm with calmness, now gives way to consternation—here at the very time it is most needed. The excitement spreads like an evil contagion. Meetings have been held in New Orleans calling on the Governor for an extra session of the Legislature here on the very eve of the regular session, and without any greater emergency now, than existed six months ago. We hope the Governor will cooly consider the petition and not act hastily in reference thereto.[4]

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[3] Whittington, G. P., "Thomas O. Moore, Governor of Louisiana, 1860-1864," in *Louisiana Historical Quarterly*, January, 1930, p. 7.

[4] Quoted in Greer, J. K., "Louisiana Politics, 1845-1861," in *ibid.*, October, 1930, p. 618. Greer's citation leaves the name of this periodical uncertain.

It was felt throughout the state that the meeting of the legislature had but one purpose—to consider calling a convention authorized to secede from the Union. There was no great opposition to secession itself, but rather as to the most effective way to apply such a drastic measure. Louisiana was divided into two political camps—one advocating immediate, "separate" secession, and the other demanding that the state do nothing until she had conferred with her sister cotton-planting and slave-holding states. New Orleans was fairly evenly represented in both groups. The *Daily Picayune* favored strongly the united southern action faction, which, it pointed out, would have the advantage of presenting a concrete proposal to the federal Congress at its next session, and could hold the threat of secession as a trump card to play when all else failed.

Moore was a member of the immediate secessionist party, and stated his convictions in the official call to the legislature:

> I do not think it comports with the honor and self-respect of Louisiana, as a slave-holding State, to live under the government of a Black Republican President. I will not dispute the fact that Mr. Lincoln is elected according to the forms of the Contsitution, but the greatest outrages, both upon public and private rights, have been perpetrated under the forms of law. This question rises high above ordinary political considerations. It involves our present honor and our future existence as a free and independent people. It may be said that, when this Union was formed, it was intended to be perpetual. So it was, asfar as such a term can be applied to anything human; but it was also intended to be administered in the same spirit in which it was made, with a scrupulous regard to the equality of the sovereignties composing it. We certainly are not placed in the position of subjects of a European despotism, *whose only door of escape from tyranny is the right of revolution.* I maintain the right of each State to secede from the Union, and, therefore, whatever course Louisiana may pursue now, if any attempt should be made by the Federal Government to coerce a sovereign State, and compel her to submission to an authority which she has ceased to recognize, I should unhesitatingly recommend that Louisiana assist her sister States with the same alacrity and courage with which the colonies assisted each other in their struggle against the despotism of the Old World.[5]

[5] Quoted in Gayarré, Charles, *A History of Louisiana*, New Orleans, 1879, IV, pp. 689-90.

Without any such definite statement, the *Daily True Delta* of New Orleans was frankly against secession, and pointed out the disadvantages which would come to Louisiana if she did anything so rash.

> By the latter part of November, 1860, the feeling that some position should be taken on the question of local conventions and "Southern" conferences had become general in Louisiana. The conservative press proclaimed that the interests imperiled by the victory of a sectional Northern party should be defended, but that every individual should endeavor to save the Union—if possible. The same element maintained that separate state action of the Southern States would only lead to a convention of all the States of the South and that courtesy demanded that each state delay final action until her sister states had been consulted.[6]

Moore's action in calling the state legislature was not altogether uncriticized. According to one New Orleans journal, the justification for the extra session was as follows:

> The privy council of Governor Thomas O. Moore, it is said, announce as among the reasons his excellency had for calling the legislature together, was the necessity of providing a couple of millions of dollars for completing the customhouse building, which was once owned by the government of this country, when under a republican system, and to devise ways and means for the support of the diplomatic corps the kingdom of Louisiana will require to represent her at the courts of Florida, Carolina and Arkansas, with becoming dignity.[7]

The strong statement by Moore practically assured secession. In anticipation of such a course, the federal mail agent at New Orleans resigned. Commenting editorially upon this action, and the reported withdrawal from their posts under the United States of Postmaster Riddell, Collector of the port Hatch, and Senator John Slidell, the *True Delta* remarks, "this course, to say the least of it, shows some unexpected pluck on the part of Messrs. Riddell, Hatch and Slidell."

Immediately after the call for the convention went out, the entire state realized that there might be some dispute over its action with the federal government, and military companies began to spring up everywhere. There were a number in New Orleans,

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[6] Greer, "Louisiana Politics," *Ibid.*, p. 621.

[7] *Daily True Delta*, November 22, 1860.

and the old political units, such as the Young Bell Ringers, the Young Men's Breckenridge and Lane club and others, became the nuclei for military organizations. Point Coupee parish reported to the *Daily True Delta* that four companies had already been organized in that district, and it was expected that a regiment would soon be filled out. (November 28, 1860.)

Among the radical element, talk of secession was heard constantly, but the New Orleans *Picayune* and the *Daily True Delta* were openly opposed to such utterences. The voice of the people, none the less, could not be stilled, and these two journals soon filled their editorial columns with pleas for moderation, and for co-operation, rather than for separate action by the state. Said the Picayune:

> The extreme act of secession solemly resolved upon in convention, may not be incompatible with this principle of ultimate cooperation, if the conventions shall present it as an ultimatum contingent on the failure to obtain such securities in the Union, for rights distinctly enumerated to be essential, in such a form as to command the concurrence of the slave-holding States, or a majority of them. The Southern mind is too deeply impressed with the perils to be apprehended from the domination of the Northern party which has come to the control of the Federal Government, to be contented without some concentration in behalf of their common rights and interests, or to rely on mere professions of friendliness, unsupported by substantial acts of Union feeling. The conventions about to assemble will, it is hoped, have so much trust in each other that their exposition of rights may be expected to be uniform, their ultimate course identical, and the moral effect of this harmony so powerful as to make their enemies within the Union harmless.[8]

On November 25, the *Picayune* came out with the following editorial:

> Mr. Trumbull, in speaking for Mr. Lincoln, alleges that the haste of some States, or as he pronounces it of some politicians, to get out of the Union before the inauguration of Mr. Lincoln, is produced by their conviction that they will never have cause thereafter. Their maxim, he avers, is "now or never."
>
> We, who in this journal have never advocated secessionism, or defended it, as a remedy for the wrongs complained of or apprehended, are disposed to recognize wis-

[8] *Daily Picayune*, November 24, 1860.

> dom in the motto presented by Mr. Trumbull in a sense somewhat different and addressed to different parties. It is coming to be a question of "now or never" between the people of the North and the people of the Southern States; there must be a pacification now or it will never be had hereafter. Such wide, deep, growing discords are not to be appeased by palliatives or put out of the way by the interchange of friendly promises and protestations which those who give may not have the power to redeem, and which may lose their value with the passing of the emergency which extends them. The state of the country demands something more, and something more immediate, if peace is to be preserved and union reestablished. It is for the North to yield "now or never." We have not yet permitted ourselves to believe that if the question could be presented with the strong voice of a united South, they would not concede the safe interpretation of our rights, which do not harm them and is indispensable to us, nor do we resign the hope that such a union is possible with such a result.

The sentiment of the state, however, was not for union at any price. There were, naturally, the usual number of people who would not commit themselves, and who counselled moderation and urged meditation before anything was done. In addition, there were the pro-union people who wanted Louisiana to stay within the sacred confederation to which she had always belonged. But by and large, the state was infavor of doing *something*, and, if nothing more, of settling the slavery dispute once and for all.

Probably the greatest influence toward crystallizing sentiment on this subject was the sermon delivered by Dr. Benjamin Morgan Palmer, pastor of the First Presbyterian church of New Orleans on Thanksgiving day, November 29, 1860.

Palmer was the most popular minister in the city, if not in the state. The people flocked to hear him, and accepted his word as gospel. What Palmer said was reported in the papers with care, and was often the subject of editorial comment. On the date mentioned, (November 29, 1860), he undertook to preach on the relations of the north and south. This sermon was delivered from the pulpit of his church and took more than two hours to present. His text was taken from Psalm 94:20: "Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?" and from Obadiah 7: "All the men of thy confederacy have brought thee even to the border; the men that were at peace with thee have deceived thee, and prevailed against thee; they that

ate thy bread have laid a wound under thee; there is none understanding in him."[9]

Among other things Palmer said:

> "This argument, then, which sweeps over the entire circle of our relations, touches the four cardinal points of duty *to ourselves, to our slaves, to the world, and to Almighty God.* It establishes the nature and solemnity of our present trust, to *preserve and transmit our existing system of domestic servitude, with the right, unchallenged by man, to go and root itself wherever Providence and nature may carry it.* This trust we will discharge in the face of the worst possible peril. Though war be the aggregation of all evils, yet should the madness of the hour appeal to the arbitration of the sword, we will not shrink even from the baptism of fire. If modern crusaders stand in serried ranks upon some plain of Esdraelon, there we shall be in defence of our trust. Not till the last man has fallen behind the last rampart, shall it drop from our hands; and then only in surrender to the God who gave it . . .
>
> With a choice between three national candidates, who have more or less divided the votes of the South, the North, with unexampled unamity, have cast their ballot for a candidate who is sectional, who represents a party that is sectional, and the ground of that sectionalism, prejudice against the established and constitutional rights and immunites and institutions of the South. What does this declare—what can it declare, but that from henceforth this is to be be a government of section over section; a government using constitutional forms only to embarrass and divide the section ruled, and as fortresses through whose embrasures the cannon of legislation is to be employed in demolishing the guaranteed institutions of the South? What issue is more direct, concrete, intelligible than this? I thank God that, since the conflict must be joined, the responsibility of this issue rests not with us, who have ever acted upon the defensive; and that it is so disembarrassed and simple that the feeblest can understands it . . .
>
> As it appears to me, the course to be pursued in this emergency is that which has already been inaugurated. Let the people in all the Southern States in solemn council assembled, reclaim the powers they have delegated. Let those conventions be composed of men whose fidelity has been approved—men who bring the wisdom, experience and firmness of age to support and announce principles which have long been matured. Let these conventions decide firmly and solemnly what they will do with this great trust com-

[9] Dodd, William E., *The Cotton Kingdom*, New Haven, 1920, p. 109.

> mitted to their hands. Let them pledge each other in sacred covenant, to uphold and perpetuate what they cannot resign without dishonor and palpable ruin. Let them further, take all the necessary steps looking to separate and independent existence; and initiate measures for framing a new and homogenous confederacy. Thus, prepared for every contingency, let the crisis come. Paradoxical as it may seem, if there be any way to save, or rather to reconstruct the union of our forefathers it is this. Perhaps, at the last moment, the conservative portions of the North may awake to see the abyss into which they are about to plunge. Perchance they may arise and crush out forever the abolition hydra, and cast it into a grave from which there shall never be a resurrection . . . .
>
> The position of the South is at this moment sublime . . . If she will arise in her majesty, and speak now as with the voice of one man, she will roll back for all time the curse that is upon her. If she succumbs now, she transmits that curse as an heirloom to posterity . . .[10]

The whole temper of the city changed with the termination of this speech. This is very noticable in the journals of the days immediately following its delivery. From vacillation between co-operation, secession, and unionism, the issues narrowed down to secession and co-operation. The demand for the sermon was extraordinary; the *Delta* reprinted three times, and said then that its entire supply, of over thirty thousand copies, had been exhausted.

On December 2, the *Delta* appeared with an editorial headed "Dr. Palmer's sermon on Thanksgiving day: the pulpit and the times." In it occurs this passage:

> Having thus triumphed politically, the anti-slavery idea now resumes its original character as a moral question, and in that form is ready to do the deadly work of sectional despotism. Religion involves morality and no moral question can justly be excluded from the pulpit. And, therefore, when Dr. Palmer, on Thursday, took up the question between the North and the South, which turns on the anti-slavery idea, and showed that this idea was not only morally false, but was to be used as an instrument for overturning our whole social fabric and plunging us, and all that is dear to us, in an abyss of disgrace and ruin from which the imagination shrinks with terror—when he did this, he acted the part of a clergyman worthy of a Southern patriot, of a frank, earnest, brave, and a high souled man.

[10] Johnson, T. C., *The Life and Letters of Benjamin Morgan Palmer*, Richmond, Va., 1906, pp. 213-18 (*passim*).

> The discourse we refer to was perhaps two hours long; and a more cogent, exhaustive, logical and impressive production of not greater length we never met with coming either from the pulpit or rostrum. It rose infinitely above the usual thought and rhetoric of a political speech. It was more than eloquent; it was sacremental in its fervor. But the language of praise is out of place in speaking of it. It is above compliment. It was an event of the time passing, and a sign of the time at hand. It will be sure to fire the hearts and stir the souls of Southern men whereever read, while through the glowing words God seems to whisper to them of noble deeds.[11]

On the other hand, the *True Delta*, which was the voice of the more conservative section of voters, appeared after the sermon had been pronounced with some paragraphs far from lauditory in character:

> Dr. B. M. Palmer, D. D.:
>
> You tell us that its (slavery's) preservation is to be found only in the destruction of this government which has hitherto protected it—of a constitution which has hitherto thrown its safeguards around it.
>
> You tell us that in the election of Mr. Lincoln, a sectional president, the knell of slavery is rung; that he is opposed to extending it into the territories, and that he will oppose "the re-opening of the African slave trade;" while at the same time you neglect to tell us that this sectional president is bound hand and foot, powerless for evil, if our section be prompt and ready in session at the federal capital, be on hand to meet any, the slightest aggression or encroachment. There is our battleground—there politically, morally, we are strong. I tell you, therefore, sir, that in the election of Mr. Lincoln the knell of slavery is not rung, if we are only true to ourselves, our constitution, and our country . . .
>
> You would destroy the constitution and the union—this glorious and peerless fabric which has so long and so safely sheltered us, and what, sir, would you rear in its stead?[12]

Professor Dodd points out that

> the sectarian and theological schools became as thoroughly imbued with pro-slavery principles as the secular institutions. Dr. B. M. Palmer, a foremost Presbyterian divine, championed in the pulpit the cause of the slave-propa-

[11] Quoted in Johnson, *Palmer*, p. 221.

[12] *Daily True Delta*, December 11, 1860. This is a communication signed "Louisiana".

gandists, declaring that the institution was a blessing, *per se* and that he who planned for its overthrow was an anarchist.[13]

Feeling throughout Louisiana was, of course, very strong. The chief topic of conversation was the future of the state, which had been so sharply outlined by Palmer. The Picayune, in commenting on the duty of the anticipated convention, said:

> The first purpose of calling a convention is, that calm and dispassionate deliberation may be had, in view of the present condition of public affairs, in regard to the mode and time of action to secure public safety. Its duty is not simply to record and announce the supposed will of the people, but, clothed with plenary powers, the members of such a body are bound, by the most solemn obligations, thoughtfully and seriously to inquire whether we have exhausted all our remedies; whether secession on the part of offending States, and vigor on the part of the Federal Government to execute faithfully all the laws, are impossible; and whether, if these are regarded as furnishing no reliance for the future, some new covenant between the States cannot restore the mutual confidence which was shaken by the result of the late election. . .
>
> The duty of our State conventions is, therefore, without doubt, to see all means of safety short of revolution exhausted, before that is adopted. The times call for the profoundest wisdom of the State, for men of the purest character, the soundest judgment and coolest determination in all such bodies.[14]

The agitation for some definite declaration by the state was not limited to the city of New Orleans alone. In the parishes there was considerable sentiment on both sides of the question. In Assumption, on the 1st of December, a meeting was held which, according to the telegraphic dispatch printed in a New Orleans daily, was very well attended. During the course of the evening, a number of resolutions were passed, practically all without a dissenting voice. Among them was one recommending that a convention of all the states in the union be held to discuss the crisis. It was also resolved that Louisiana should remain in the Union as long as possible. The final settlement of the slavery question was demanded, and the formation of a new party to preserve the union

[13] Dodd, William E., *Expansion and Conflict*, Boston, 1915, p. 278.

[14] *Daily Picayune*, December 1, 1860.

was recommended. A state convention for Louisiana was advocated "to deliberate upon the course which the welfare and honor of the state require her to pursue."

The citizens of Assumption parish were all engaged in some way or other in agriculture, and were therefore interested in slavery. At this meeting, commercial non-intercourse with all the states which had wilfully violated the fugitive slave law was advocated. The *Daily True Delta*, in its account of this gathering, said that

> The assembly was one of the largest ever held in the parish, and, composed of persons of all former party politics, may well be considered as having expressed the general sentiment of the people of the parish.[15]

In New Orleans, for some time, especially after the announcement of Lincoln's election as president, the *Daily True Delta* had been publishing long occasional discussions on the question of secession, arguing for moderation, and for co-operation and a convention of the slave states before ANY precipitate action was taken. The articles were signed "Jefferson." It is impossible now to ascertain definitely who the author was. He was probably a lawyer, as the general tone of the series is legalistic, and his arguments are very similar to an attorney presenting a case before a court. He particularly discussed the convention which, as everyone expected, was to be authorized by the extra session of the legislature:

> The convention to be called up by the extra session at Baton Rouge will act under no such authority as that possessed by the legislature of South Carolina and if they call a convention at all, will do so without any authority whatever, should the rule of strict construction be adopted, which is the only true way of ascertaining the will of the people as expressed in the organic law, where we find the people have provided a mode of amending the constitution, but have not provided for the call of a convention; the reasonable conclusion therefore is that no such power was intended to be given to the legislative department.
>
> If the legislature calls a convention, it must be with the view either that the convention shall amend the existing constitution of the state, or adopt some measure or ordinance by which the people will declare their will with regard to the event declared by the governor in his proclamation to be of such grave import.[16]

[15] *Daily True Delta*, December 5, 1860.
[16] "Jefferson papers number 15," in *Daily True Delta*, December 6, 1860.

There was very little real understanding of the dangers which secession might lead to. The moderates tried to explain some of the pitfalls which lay ahead. The views of the group represented by "Jefferson" were summarized in an editorial entitled "Regard all the consequences." In this the editor of the True Delta said:

> We hold that it is utterly impossible to have a peaceable dismemberment of the confederation. We do not stop to argue the question whether a state has the undoubted right to separate herself from her sister states or not; we will not raise a doubt or challenge controversy in relation to such matter; we will on the contrary concede it, still, is it not obvious that after her separation, she must either relinquish all pretension, all claim, all right to participate equally in the national property, public domain, improvements of all kinds, army, navy and appurtenances, etc., or prepare herself to vindicate her demands for her share by a resort to force? Will the free states abandon the supremacy they now claim over the territorial property of the Union? And can they be made to do so otherwise than by force successfully invoked? No one, we think, will contend they will; therefore is it not certain that to extort from them that which we all unite in considering our just due, a recourse to force must be had and a civil war thus inaugurated with all the uncertainties, doubts, difficulties, horror and destruction of life and property inseparable from appeals from reason to the arbitrament of the sword? We do not for a moment doubt the willingness of the mass of the people to test the question of right with the north by the invocation of the sword; nor shall we doubt their perfect ability, albeit greatly inferior, numerically, to the foe they will be obliged to encounter, to conquer a successful peace. All this we shall accept as the more warlike among our population would have us; but as the bayonet is certain, in the event of a separation to be called into action, to reconcile differences, we wish the important fact to be borne in mind, so that no one shall be allowed at any future time to plead ignorance when called upon as to his share of any responsibility that may devolve upon him in such contingency. A peaceful destruction of this government never can take place, in our opinion; therefore it is that we censure the parties that are fanning into a flame the passions of the people, who are preparing their hearts for revolution, who are sharpening sword-blades, yet are delusively shouting peace, peace, where there is no peace . . .[17]

[17] *Daily True Delta*, December 9, 1860.

Agitation on both sides continued, until the day for the assembling of the state legislature in extraordinary session, which seems to have come with a certain abruptness to many people. Everyone in the state was awaiting the work of this gathering, expecting that it would authorize the convoking of a convention. The bill calling this body together was introduced by a member named Taylor on the first day of the meeting, December 10. It was referred to a joint committee of the Senate and House composed of the following members from the House—Allen, Berry, Breithaupt, Cage, Jacques, of Orleans, Kilbourne, Lane, of Orleans, Levy, Peck, Wilkinson, Herron, White, Marks, O'Quinn, and Bradley; from the Senate—Goode, Taylor, Hunt, Flournoy, Shadbourne, Hough, Womack, Phillips, Gardère, and Talbot.

This committee was appointed after the proper motion, introduced on December 10, had been passed. It was ordered to consider that part of the governor's message having reference to the federal government. According to the motion, it was to report the next morning. Interest in the future was thus temporarily held in abeyance. Pending the report, Mr. Gardere introduced a bill for the organization of the military of the state, providing for its equipment, arming and training. This proposal was refered to a joint committee, which reported soon afterwards. The act provided for a military board, to be composed of the governor of the state as president, and four persons appointed by that dignitary.

> It will be the duty of this Board to purchase such arms, munitions &c., which may be necessary for the protection of the state against domestic or foreign violence, having full power to appoint one of its own members, or any competent person, to procure such material.[18]

Specifically, the bill provided the Board's activities in the following terms:

> It shall be the duty of the Board also to distribute such material as it may deem advisable to volunteers, under such regulation as the Board may prescribe; a portion of the arms to be kept at New Orleans, a portion at the Seminary of Learning and Military Academy located in the parish of Rapides, subject to the rules and regulations of the Board.

[18] *Daily Picayune*, December 11, 1860.

> The Board is to have discretionary power to establish military depots in other parts of the State, as occasion may require.
>
> Volunteer companies desiring arms, must report their organization to the Board. Such companies may be formed, independent of the present military laws, subject to no command, save that of the officers of their own election . . .
>
> At their first meeting they [the board] will report a plan for the organization of the militia, for promotion, and for the formation of volunteer companies; also a plan for the formation of a "Military Bureau" at the seat of Government, should it be deemed expedient.
>
> Appropriations under the bill amount to half a million.[19]

Acting according to its instructions, the committee on the state convention made its report on December 11, in the form of a bill authorizing the call for such a meeting. The bill was passed by the legislature without amendment on December 12, 1860. By its terms, the members of the proposed convention were to be elected by popular suffrage throughout the state on January 7, 1861. The members were to be elected at this time, with delegates chosen according to representative and senatorial apportionment, just as if they were candidates for the general assembly of the state. The successful aspirants were to gather in the state capital building in Baton Rouge on January 23, to consider the condition of the state with regard to the rest of the union.

Before adjourning, the legislature passed a resolution requesting the governor to communicate with the governors of other states, with regard to the condition of the country.

In New Orleans there was considerable opposition to the Legislature, if we can judge by an editorial, which appeared in December, under the title "The fun of extravagance:"

> The legislature now in full blast in Baton Rouge will, we have no earthly doubt, do all in its power to second Gov. Moore's suggestion to hasten the secession of Louisiana, right or wrong, cause or no cause, from the federal Union; and every praise-God-bare-bones in the pulpits of the State, in rivalry of their pious brothers in fanatical and treason loving New England, will bless their endeavors and sanctify their proceedings after their own fashion. Gov. Moore is now no longer timid: Slidell & Co. have stiffened his vertebral column, and the citizen and the magistrate consequently have been brought to regard secession as the only rightful remedy for apprehended viola-

[19] *Daily True Delta*, December 11, 1860.

> tions of the federal constitution by the sectional president he and his fellow factionists in the south successfully labored to inflict upon the nation. We congratulate the citizen and the officer upon having emancipated himself from his scruples, and come up to the standard required of him by the master of the situation in this state . . . Lane, one of their [know-nothing] delegates from the city, thinks the chance so excellent for his confederates to carry the day and lay respect for the people where it has been placed for some years high in this burgh, modestly proposes that his serene highness Thomas O. Moore himself, shall call a convention to save time and trouble, and dispense with the ridiculous ceremony of having a popular vote at all. Well done, honorable Mr. Lane . . . We would suggest for his use that, instead of calling a convention at all, or wasting precious time by consulting the vulgar herd, called, jocularly, the soverign people, he will at once constitute, by the exercise of his imperial will, the present general assembly a competent power to pronounce the Union dissolved, Louisiana seceded, a new republic organized and universal prosperity guaranteed.[20]

On the same day, the conservative element of New Orleans voiced its sentiments in regard to secession in the following editorial in the *Picayune*:

> The evil of immediate secession is, that looking to this as the only mode of successful resistence, the people do not appreciate the consequences. If to-day Louisiana was declared out of the Union, and consequently her custom-house closed, how is a bale of cotton to leave our port? Or how can a hogshead of sugar, or a tierce of rice, or any of the millions of dollars worth of the fruits of the earth now in our storehouses be exported? Who will clear the vessel that may take them? What will prevent these articles of merchandise from seeking the Atlantic by going up the river and across the land to an Atlantic port? Who will ship again to this mart, the garnered harvest, until Louisiana is enrolled among the nations?
>
> To acquire such a position, if no war follows, will take time. If a new confederacy is to be formed after each State has severally withdrawn itself from the Union, it will prolong the period of interregnum of any central authority, and create difficulties arising from personal ambition, State pride, State jealousy of its rights, and conflicts of material interests, that will be almost, if not absolutely, insurmountable . . .

[20] *Daily True Delta*, December 12, 1860.

> That she will go out, if her equality in the Union be not granted and forever secured, is a point decided.
>
> But the question is whether she shall seek concert with sister States—meet the invitation offered for concurrent action—and first try its results before secession, securing, if that be necessary, secession at last with a united South. There is no voice in the State for quiet yielding to the North. There is no desire to stay in the Union without the settlement, and the settlement now, of the slavery question.[21]

The passage of the convention bill although expected, was so drastic a move that business reacted sharply. The British consul wrote the following letter to his chief, after returning from his summer vacation:

> . . . . this city, from its geographical position is the great entrepot of the agricultural produce of the Valley of the Mississippi, and of the great Western States, the value of which received during the last year, reached the enormous sum of 185 millions of dollars. It did not seem probable, therefore, that such vast interests would be imperiled without due and deliberate consideration. And yet within three weeks after the election, and before any overt act of hostility could be committed by the President-elect, the agitation of the question of dissolution of the Union has been so widespread, as entirely to destroy confidence—obstruct the usual channels of Trade and depreciate the value of property of all kinds to a ruinous extent. Importers and jobbers are unable to sell their stocks of goods, so that they cannot find the means of purchasing exchange to liquidate their Domestic and Foreign obligations. The Cotton Factors are unable to sell their produce, which the agents for Liverpool houses and Manchester spinners are ready to purchase, but are deprived of facilities of negotiating their bills of exchange, a small portion of which the bank can only take even, although it is 13 to 15 per cent discount on London. As a natural consequence of this Commercial panic, over 30 Factorage houses have suspended within the last fortnight whose aggregate liabilities amount to over 30 Millions of Dollars. It is impossible to predict how long such a state of matters can exist. but its effect upon the manufacturing interests of Great Britain will be severly felt, if, as many fear the Planters, alarmed for the safety of their property, should retain their crops on the plantations.[22]

[21] *Daily Picayune*, December 12, 1860.

[22] Letter from William Mure, H. B. M.'s consul at New Orleans, to Lord John Russell, Foreign Secretary, dated December 13, 1860, published in *Louisiana Historical Quarterly*, January, 1930.

There was, throughout the entire period preceding the actual secession, a party in New Orleans which hoped that the more radical element would not gain complete ascendency, and that the dispute could be settled by the state without withdrawing from the Union. The *Picayune* was the mouthpiece of this group, and even on December 11, when everyone was morally certain that secession was inevitable, voiced these sentiments:

> In the excitement of the moment the hope, though it be faint as the vanishing twilight, should not be abandoned of a reconstruction of the Union our fathers made, and the restoration of fraternal relations between the antagonistic States; but at the same time, measures should be taken to put the state in a condition of defense that will meet all future necessities.

The Picayune further asserted that the main question was whether Louisiana would seek concerted action rather than stay in or go out of the Union.

> Probably all the citizenry favored resistence to the threatened agressions of the non-slave-holding states, but public opinion was undergoing something akin to a revolution because of the taunts of the Northern press. In the rural parishes, immediate secession feeling was strong and even the *Picayune* admitted that it was not weak in New Orleans.[23]

As soon as the acts for the calling of the convention, and the reorganization of the military establishment had been passed, the legislature adjourned. The *Daily True Delta,* in commenting on the fact, headed an editorial with the title, "Everybody breathes easier:"

> The great events of the day have come and passed into history, and the popular pulsation is once more fallen into its normal condition. The enlightened body known as the general assembly of the soverign state of Louisiana has had its extra session, its whiskey, its mileage, its per diem, and its important display, in which the wealthy, brilliant, profound and very sensitive representatives from this parish occupied their usual influential and important position, shedding the light of their genius and elocution on their amazed brethren from the rural parishes . . . Our readers will, therefore share our delight, both at the adjournment of the assembly and the fact of the Honorable Randall

[23] Greer, "Louisiana Politics," *Ibid.*, p. 623.

Hunt's having had a chance to astound and astonish the Hon. Wirt Adams and the multitude . . . [24]

"Jefferson," the advocate of coolness and calmness, said:

> The people of Louisiana must pause, deliberate and reflect; we cannot be too slow in doing what we have no right to do. But if, when we shall have made up our minds after due reflection, and examination of the evils we actually suffer, that "a long train of abuses and usurpations, pursuing invariably the same end, evinces a design to reduce us under absolute despotism," and that such is the series of wrongs *we have actually sustained from the general government*, then it will be our right and our duty to throw off such government. No dangers should then be allowed to intimidate us, for we will be morally right. But when called upon to overthrow government and face the probable horrors of civil revolution; when the government we live under has not passed *one single law* of which we complain, and when no violation of the constitution of that government can be pointed out; when it is administered by our friends; and when it cannot pass into the power of our opponents for many years, we must be pardoned if, under such circumstances, as friends of the Union, we appeal to no man's fears, but to his prudence, his good sense and humanity.[25]

Meanwhile, there were numerous meetings throughout the city. Some advocating united southern action and others urging immediate secession. All the prominent men in town were present as speakers on one or the other of these occasions and public opinion on the question was definitely propagandized by the various organizations.

> For some time past, the fag-end of public opinion in this city has been running riot on the question of secession by separate state action. The decent men of the community had at last awoke from their slumbers with a determination to have something to say on a question so vital to their interests their honors, and their lives. An impromptu and private meeting was, we understand, held last night in the lecture room of Odd Fellows' Hall, by the best men of this city, regardless of political bias, to confer freely with each other on the issues now before this country. The gentlemen composing that meeting, if our information be correct, openly avow themselves in favor of a

[24] *Daily True Delta*, December 14, 1860.

[25] "Jefferson Papers Number 22," in *Daily True Delta*, December 14, 1860.

> united southern action, in contradistinction to separate state secession. This is a step in the right direction. Let this be followed up by fearless action, and true patriotism and common sense will soon resume their sway in at least the parish of Orleans.[26]

The question of secession was too important to be easily put down. The papers were full of editorials for and against it; the people stood, no doubt, on the street corners and each individual argued for his or her side of the matter; it was everywhere the absorbing topic of talk. Just what would be the status of the citizens of the state in case of secession, however, seemed not to have been broached until "Jefferson" wrote on the subject:

> Should Louisiana secede there would be no longer any citizens of the United States within her limits. Who, then, would be voters and qualified to elect officers? The constitution of the state title first, article ten, says: "Every free white male, who has attained the age of twenty-one years, and who has been a resident of the state twelve months next preceding the election, and the last six months thereof in the parish in which he offers to vote, *and who shall be a citizen of the United States*, shall have the right of voting;" this must stand until a new constitution shall be adopted by the sovereign power. Should the convention about to be elected, therefore, declare the state out of the Union, and thereby take away from every one of us his quality of citizen of the United States, it would leave not a voter in the state, no election could be held, and no voter chosen.
>
> It cannot be said, in reply to this, that the convention may also prescribe what the qualifications of voters shall be under the new system, for that would be to amend the constitution, a purpose for which they were not called together, and on which they could not act, even if they had been, because the constitution cannot be amended in that way, since another mode of amendment is pointed out, by the ninth title, and requiring both legislative and popular vote.
>
> Here, then, is the extraordinary goal to which the secessionists are hurrying; if they achieve the object of their desires, and secede by the action of the coming convention, they will leave the state without a legally qualified voter in it.[27]

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[26] *Daily True Delta*, December 18, 1860.

[27] "Jefferson Papers Number 26," in *Daily True Delta*, December 19, 1860.

There was also the further problem which presented itself. Louisiana's wealth depended, in a large measure, upon the navigation and commerce of the Mississippi river. The question arose, therefore, as to what the status of the state would be in regard to this body of water. If she guaranteed free navigation to all states bordering upon the Mississippi, she would quite conceivably open herself to attack by Northern forces, who could embark at Cairo, and float down the river, possibly capturing New Orleans. If, on the other hand, she denied the right of transit, she was bankrupting herself by cutting off an immensely valuable trade.

An interesting item in this connection appeared one day, apparently authorized by John Slidell, senator from Louisiana, and political "boss" of the state, who was not popular in New Orleans, nor, for that matter, in any other sections of the state. He was, nevertheless, the political dictator of the community and it was largely because he desired secession that the ordinance dissolving the union was eventually passed. A letter referring to Slidell was published on December 19:

> Monday's papers furnished the following startling intelligence:
>
> > Mr. Slidell, Senator from Louisiana, is openly for secession, but conceeds that if his state goes out the free navigation of the Mississippi shall be secured to all states of the present Union.
>
> By what authority does the "Hon." Senator say what "shall" or shall not "be secured" in the contingency referred to? Have the people of Louisiana deputized him to pledge them to such a policy as that indicated? My impression is that *he* would not be the individual selected by them, should they require such service.
>
> I, however, presume the remarks of the "Hon." gentleman have been misconstrued. His pledge was probably designed to be less comprehensive, including only that portion of our river which waters the parish of Plaquemines, concerning which he must be well posted, if the history of that locality affords a reliable criterion for judging.
>
> QUERIST[28]

In addition to the problems within the state, Louisiana was waiting almost breathlessly for news from South Carolina. The

[28] *Daily True Delta*, December 19, 1860.

Palmetto State had given notice that she would consider the election of Lincoln as sufficient grounds for secession from the federal Union. As a result of the election, her governor called a convention to consider the state of affairs, and to decide upon a proper course of action. Everyone knew that the assembly was simply a formal meeting to draw up articles of separation, and the country at large awaited, momentarily, the news that South Carolina had withdrawn from the United States.

It was not altogether a surprise, therefore, when the people of Louisiana heard that South Carolina had seceded. The news was flashed across the state on December 20. The *Bee,* in commenting upon the news, remarked that the action was doubly significant, as the Palmetto State had been one of the original signers of the Constitution, and that her withdrawal from the Union meant that the original Constitution was no longer adequate for the government of the nation.

The news of South Carolina's decision caused considerable excitement, nevertheless, in New Orleans. The immediate secessionists thought that Louisiana should follow in South Carolina's wake, and withdraw from the Union as soon as possible. The co-operationists realized that their cause had received a severe set-back, but determined to press for the southern convention while there was still some opportunity.

While New Orleans was agitated by the question of what the future held for her, the rural parts of Louisiana were not entirely silent. There was considerable excitement throughout the state. On December 22, a meeting of the citizens of St. Mary parish was held at Franklin. Hon. J. W. Walker presided. During the course of the evening, the assembly, which had gathered for the purpose of nominating candidates for the state convention, passed the following resolutions, among others:

> *Resolved,* That we decidely oppose the precipitate, unconditional secession of Louisiana from the confederacy, and can see no safety for her in the future but in the united action with her sister slave-holding states.
>
> *Resolved,* That the action of the state convention ought not to be final until ratified by the people at the ballot box.
>
> *Resolved,* That we are utterly opposed to the secession of all or any of the southern states from the confederacy until they are prepared to defend themselves, and have

fully completed their arrangements for governing themselves wisely after secession.[29]

The successful candidates for nomination were Hon. W. T. Palfrey, senatorial candidate, and Dr. Henry J. Saunders and the honorable Joshua Baker as the representative candidates.

It is interesting to note that the *Bee* of December 22, 1860, pointed out that the city of New Orleans, which had been so conservative, was no longer so, but was, at this time, "the hotbed of secession." In spite of this declaration, there were numerous meetings of moderates, who plead for "consideration" before any irrevocable steps were taken.

On December 27, there was a meeting of the people of Algiers for the purpose of nominating their candidates for the convention. According to the *Daily True Delta*, the meeting was arranged for and advertised by the immediate secession party, but when the time for the gathering came around, only a few of the radicals were present. The Hon. George Washington Lewis was nominated by the meeting on a co-operation ticket, much to the discomfiture of the "ultras."

A "Southern rights association of the state of Louisiana" was formed in New Orleans shortly after this date. At a meeting held December 28, William C. C. Claiborne was elected president, and some hundred prominent men in the city were chosen vice-presidents. Dr. G. W. Dirmeyer was elected recording secretary, and the Hon. W. R. Adams and J. M. Bonner, corresponding secretaries. H. W. Connor, Jr., was selected treasurer. According to the announcement which was published in the New Orleans newspapers, the objects of the association were to encourage Southern independence of interest and feeling, and to promote concert of action among the Southern states. In the event that any state should withdraw from the Union, it was provided that the support and sympathy of the association should be extended to that state, especially if there were any attempt at coercion by the federal government. It was also to use all honorable means to bring about, under the sanction of a state convention, the withdrawal of the state of Louisiana from the Union, and the assertion of her independence and sovereignty. Finally, it was to promote in every way the establishment of a confederated government of the southern states, or such of them as would unite for that purpose.

[29] *Daily True Delta*, January 4, 1861.

There was also a meeting of secessionists on Christmas eve, 1860, in Odd Fellows' hall, which had for its purpose the ratification of the nominations of candidates of this party for the state convention.

> Then came, as play-goers some times see, something not written down in the bills. A gentleman came forward with three resolutions tendering congratulations to South Carolina, and co-operation with her *when* Louisiana secedes; promising that the guns of Chalmette will speak in unision with those of Fort Moultrie, and announcing that the confederation of the south was peace: but come the other alternative, the people would not be unprepared. Simultaneously with the addition of these resolutions, a secession banner [sic]. Then a Miss Holman, a concert singer, was introduced and sang the Marseillaise. And at each successive performance, the crowd was enthused.[30]

The speakers at the meeting were straightout secessionists: J. D. B. DeBow, C. W. Conrad, Charles Gayarre, Alexander Walker, and E. W. Moise.

There was a meeting of the friends of united southern action at the Orleans theater on Thursday, January 3, 1861. These men were representatives of the best social circles, and were moderates.

> The capacious building was crowded from pit to dome, by an audience intelligent, deeply attentive and responsively enthusiastic to the glorious sentiments enunciated by the orators on the occasion. That assemblage was not composed of men who would meanly submit to wrong from their brothers, but of men who would strive with honest effort to eradicate mistaken ideas, to restore peace and harmony to this grand political household, and failing in that, after just and conscientious endeavor, would be ready to accept the responsibilities and the sacrifices which a position of antagonism would entail . . .
>
> Pierre Soulé was introduced, and spoke in French in the effective and eloquent manner which characterize the speeches of our distinguished fellow citizen.[31]

Another meeting of the same organization—or group, as there was no formal party, with limited membership, and admit cards—was held at Turner's hall on the following day. The

[30] *Daily True Delta*, December 25, 1860.

[31] *Daily True Delta*, January 4, 1861.

principal speaker was Thomas J. Durant, but he was followed by a Mr. Campbell and George S. Lacey.

> Durant in his usual forcible manner spoke briefly on the topic now agitating the people of Louisiana. He denounced the right of separate secession as being in violation of the compact by which the states are bound together, and cited the opinions of Washington, Jefferson, Madison, Jackson, Clay, Webster, and others to prove his position . . . "Had the south in council agreed upon the extent of their grievances, and unitedly demanded a redress? No . . . Nothing could be gained by separate state secession, but all might be lost by it."[32]

It will be recalled that the date for the election of delegates to the state convention had been set by law for January 7, 1861. The various newspapers of New Orleans carried long editorials just before this date, urging the voters of the city and of the state in general to go to the polls, and express their opinion on the matter of the convention, which was so important to their future safety and well-being.

On January 6, the *Daily True Delta* appeared with an editorial which was in the form of a letter addressed to the editor:

> The responsibilities of that convention are of the gravest character, and the duty of those who have the right to elect is equally grave. The honor and faith of the state, as well as the welfare of the people, hang upon the result of its deliberations; hence the necessity that its members should be men of clear heads, cool in action, and firm in purpose—neither led away by heated impulsiveness on the one hand, or tame submission on the other, but, looking the whole matter full in the face, take such a course as will sustain the dignity and honor of the state, and best promote the interest of our common country . . .
>
> In looking at the present position of things, it seems clear to the reflecting mind that at least the cotton states must secede. That this alternative has been forced upon them by the premature movement of a single state, is beyond a question . . .
>
> Free trade would be the death-blow to Louisiana, and bring ruin upon a large portion of her people . . .
>
> Let no man stay away from the polls. The occasion requires united, energetic and patriotic action, and he who shrinks from duty now, may deplore, when too late, his want of energy.
>
> NATIVE

[32] *Daily True Delta*, January 5, 1861.

On the following day, January 7, the date fixed for the election the *Bee* printed this editorial:

> The election of today is too important in its character and probable results to justify a doubt of the vital and absorbing interest it will inspire. We cannot so far impugn the patriotism of the citizens of New Orleans as to imagine that any who can conscientiously claim that title will prove themselves unworthy of it by refusing to take part in the solemn verdict to be this day recorded. Every man in the community who is entitled to the right of suffrage; who feels that he is an integral portion of the body politic; who looks to Louisiana as his present and future home, is bound by every consideration of duty to register his convictions through the medium of the ballot box. This is the lawful constitutional means of initiating the revolution about to take place, and of determining under what auspices it shall be conducted, and in what manner it shall be carried into effect . . . No one has a right to stand aloof on such an occasion. We want a full vote, and an unequivocal expression of the will of the people. . . . .
>
> If such a thing were possible as the triumph of the Cooperationists throughout Louisiana, so far as Northern expectations of Southern submission are concerned, they would not be advanced a solitary iota by such a result. We tell the people of the North that the election to-day, terminate in favor of one side or the other, it will not strengthen The Union by the weight of a hair. The destiny of Louisiana is linked with that of her sisters of the South. She is bound to them by an indissoluble tie. She will maintain the league with inviolable fidelity, will stand by them through weal or woe, and will prosper or perish with them.

On January 8, the results of the previous day's balloting were announced. Official returns for the election showed that almost two secession delegates had been successful to one cooperationist. The totals gave twenty-one secession senatorial delegates to eleven cooperationists, and sixty-two secessionists to thirty-six cooperationists among the representative delegates.

> Of 48 parishes 19 elected Cooperation Representatives, while East Feliciana and St. Landry divided their votes equally on secession and cooperation delegates. The cooperationists carried six of nineteen Senatorial Districts and divided one—getting one of the three delegates, and one had not reported by the date of publication of the results. Of the 19 parishes that elected cooperationist Repre-

sentatives, 11 had gone for Bell and Douglas and four had been very close in 1860.[33]

Although the final distribution of delegates made secession a foregone conclusion, the size of the popular vote is very interesting. The secessionists won by only a very small majority, 20,448 to 17,296, or only by a majority of 2,152 votes. It is likewise significant that there were some 50,510 votes cast in the presidential election of November, 1860, and only 37,744 votes in the state election of January, 1861. Since the secessionists felt that their cause was so evenly balanced against cooperationism, it seems logical to conclude that the greatest amount of electioneering was carried on by them. The radical element always votes most strongly in an election. The moderates, who were outnumbered by only a small margin, did not muster their full strength on January 7, and therefore the vote was not truly representative.

It seems clear from the figures available, which have been quoted above, that the state was very sharply divided on the question of secession. It has been stated a number of times that the large planters rather generally opposed secession. That this was a fallacy is pointed out by Greer in the following words:

> .... the *Delta* called attention to the results of the election in the parishes of Tensas, Concordia, and Madison. These three parishes were represented by two delegates to the Convention. In Tensas, which produced about 70,000 bales of cotton, and where a large majority of the voters were planters, the Cooperationist candidate, John Routh, was beaten eight to one. Routh was one of the largest planters, and his opponent and opponent's colleague, together usually marketed about ten thousand bales of cotton. There were no cooperation candidates in Madison. In Concordia the vote was: for Senatorial delegate—Secession 210, Cooperation 58; for Representative: 198 to 56, and 193 to 52.
>
> Now how may one account for the heavy Cooperationist vote in Louisiana when sister states were hastily seceding from the Union, and a majority of her citizens were for separate action, and her two Senators had come to believe secession to be inevitable? There are three or four interesting facts in the election returns, which may have influenced the vote of the suffragans: First, the votes for Bell and Douglass were evidently cast by the old Whigs, planters and commercial class, for the most part. They had always been conservative. The vote for Breckenridge was

[33] Greer, "Louisiana Politics," *Ibid.*, p. 638.

> Democratic. All this was normal enough, and in accordance with political habit. Second, in the election of January 7, 1861, a considerable part of the old conservative Whig vote swung over to secession. On the other hand, a considerable number of Breckenridge parishes went for Cooperation. How is that to be accounted for? It is probable that many former conservative Whig planters were frightened by the refusal of Lincoln and the other Republican leaders to agree to any compromise whatever, and they swung over to secession in something like a panic, or in anger. This had happened in Georgia and Alabama. The New Orleans conservatives may have been influenced by like considerations, aided by heavy campaigning of the secessionists. As for the Breckenridge parishes that went Cooperationist, they were large small farmer regions that had few slaves and were less disposed to go out of the Union to protect slavery. Of course, influential local leaders accounted for many votes, one way or the other. Third, it is evident that much of the Cooperationist vote in Louisiana was still the old conservative vote. But they lost enough between November 6, and January 7, to throw the balance against them. Fourth, the non-voters of January 7, need explanation. Probably many could not decide how to vote and stayed away. Most of them may have been Conservative. The aggressive element is always the most likely to vote full strength.[34]

By a small majority New Orleans had ratified the state legislature's bill calling for a convention. All five of the senatorial delegates and fifteen of the twenty representative delegates were members of the state-action or immediate secession party. The co-operationists elected the five other representative delegates. They also carried one district of Algiers. The total vote cast in the city was, according to the *Picayune* of January 8, only 8,336, distributed as follows: for secession, 4,358, for cooperation, 3,978, or majority of 380 votes for secession. In the presidential election of the previous November, 10,858 votes were cast.

Secession was not very popular in the small-farmer parishes. Ascension, Assumption, Lafourche—Douglas parishes in November—were overwhelmingly for cooperation. The only other parishes which the co-operationists carried were all Breckenridge units in the previous election. They were Caldwell, Catahoula, Claiborne, East Feliciana, Natchitoches, Sabine, St. Helena, Terrebonne, and Winn. East Feliciana did not give one vote to the immediate action party.

[34] Greer, "Louisiana Politics," *Ibid.*, pp. 642-44, *passim.*

> Probably an attempt to explain the close vote would involve more factors than those mentioned in regard to the crystallization of the popular sentiment for secession following the presidential election, but two fairly accurate surmises may be added. Many who supported Breckenridge in November were not yet ready to register approval of secession, and, second, the falling off in the total vote itself of 12,766, causes one to naturally surmise that, at least, some of the 12,766 voters of November must have deliberately absented themselves from the polls.[35]

In the prevailing system of American politics, the majority always rules. Louisiana, by the vote of January 7, had committed herself to secession, even though the conservative portion of the electorate possibly did not go to the polls. This fact must be emphasized strongly, because the actions of Governor Moore can only be understood if this is taken into consideration.

Speaking of the result of the election, the *Crescent* reflected in the following editorial the opinion of the secessionist faction:

> The result of the election is most gratifying to all true friends of the South, and it will send a thrill of joy throughout the South. The Cooperation party here has caused the South to look upon New Orleans with doubt, and this doubt was very reasonable, considering the cosmopolitan character of the city, and the fact that the Cooperation or United Southern Action party, was headed, and talked to, and led, by such men as Randell Hunt, Pierre Soule, and Thomas J. Durant, lawyers and orators of renown, and for years among the foremost men of Louisiana. The defeat of a party with such men as these at its head, gives a signal proof of the strength with which the Southern feeling has twined itself about the patriotic hearts of the men of the South, in the present trying national emergency.[36]

The editorial comment of the *Bee* on the outcome of the election was as follows:

> The contest in New Orleans for members of the Convention was closer than had been expected on either side. The vote too was shamefully deficient, comprising considerably less than half the names registered. The apathy of many of our citizens on a question of such extreme importance as that involved in the election of Monday, cannot be too strongly represented. This paucity of votes enables

[35] Greer, "Louisiana Politics," *Ibid.*, p. 640.
[36] *Daily Crescent*, January 8, 1861.

> the defeated party to assume . . . . that it would have triumphed had all its advocates done their duty at the ballot box . . . . At all events, taking the result as it stands, we may say that public sentiment in New Orleans is nearly equally divided, with a slight proponderance in favor of secession. We willingly admit that the Co-operationists in our city number a large and formidable minority, whose honest convictions every high-minded and patriotic citizen should feel bound to respect.[37]

With the closing of the polls at dusk on January 7, and the announcement of the returns the next morning, an interesting and thrilling period in the history of Louisiana came to an end. For better or for worse, the state had committed herself to secession by electing a majority of the delegates from the party which advocated such action. As we look back now, we can see that it was decidedly for the worst that Louisiana was persuaded into secession. Had the co-operationist party carried the day, there might have been a different tale to unfold.

[37] *Bee*, January 9, 1861.

(To be Continued)

THE JAMAICA PIRATES AND LOUISIANA COMMERCE, 1739

Seizure of the Ship "Le Comte De Maurepas" by Pirates Off Cape St. Antoine, Cuba, 1739[1]

By

SALLY DART AND EDITH DART PRICE

In Collaboration

LE COMTE DE MAUREPAS (250 tons), outfitted and owned by the Sieur Jean Jung, sailed from Bordeaux, France, for New Orleans, Louisiana, early in February, 1739, without the usual freight from the Government, i. e., soldiers, munitions, flaxseed, hemp, merchandise, flour, brandy, etc.,—a cargo whose carriage was paid for by subsidies from the Crown; but she did carry mail and private cargoes. On her return trip from Louisiana to France, she made Bordeaux about the middle of August, 1739, with a cargo from Louisiana made up of lumber, pitch, tar, tobacco and beaver skins. Before the end of that same year, *Le Comte de Maurepas* sailed on her second trip of the year carrying a cargo consigned to Sieur Pery, a wholesale merchant in the city of New Orleans. The ship was commanded by Sieur Louis Bernelot, Captain; Sieur Antoine Le Moyne, second-in-command; and Sieur Alexandre Labrousse, Lieutenant.

It was on this voyage, at one o'clock the morning of the fourteenth of December, 1739, when *Le Comte de Maurepas* was about twenty leagues northwest of Cape St. Antoine off the Island of Cuba, she was stopped by a ship, which remained out of reach of voice and trumpet, but which attacked *Le Comte de Maurepas*, with cannon so disabling her that she had to be re-rigged when the fight ended at break of day. Having disabled the French ship, the Corsair, which was then seen to be flying the English flag, condescended to answer a second hail from the Frenchman and his question as to the reason for the attack. The Englishman said he was a Corsair of Jamaica; that war was declared between England, Spain and France, and that he had received orders to stop all French and Spanish ships; therefore, the French vessel

[1] See the documents covering this incident following this paper.

was his just prize and must follow him to Jamaica and appear before his general. The French captain answered that no state of war nor rumor of war had existed when he sailed from France sixty-eight days past. Nevertheless, Captain Badelouc of the pirate ship *The Thomas Grenel,* had *Le Comte de Maurepas* boarded with a detachment of thirty men and took possession of the ship, lowering the French flag and hoisting his own; seizing all keys and arms; and forcing half the French crew to embark in the long boats and thence to his ship.

The Corsair Captain was then brought over to *Le Comte de Maurepas.* He compelled the French Captain and officers to open their chests and seized all the Court packets and other papers. These he opened and had interpreted by one of his men, put them back and returned to his boat; and the two ships took their course to Jamaica, but the English captain did not anchor in the bay before the capital city of Jamaica, because there were two English men-o'-war at anchor there, whose crews might have glimpsed the captive Frenchmen. On the second of January, 1740, *The Thomas Grenel* cast anchor near the Isle "Le Petit Cayman"[2] (Little Crocodile), also south of Cuba, and made *Le Comte de Maurepas* anchor at the western point, called "Pointe Negrittre." The next day the pirate captain boarded them again and had the chests reopened. He took to his ship all the Court packets and private letters. Afterwards, he sent a reinforcement on board *Le Compte de Mauepas* and ordered the "prize" to remain anchored.

That night, *The Thomas Grenel* sailed ostensibly for Jamaica, taking with him the Sieur Bernelot and half the French crew, giving them to understand that he was bringing them to his Governor. The pirate craft, however, anchored in a small bay on whose shores were seen only negro cabins. Captain Badelouc had the French Captain shut in the cabin of the boat and all those of his men with him put in irons between decks, then he left them and went ashore, to return to the ship only after an absence of eight days. While the Frenchmen were still confined, the Corsair's shallops plied throughout the night between *Le Comte de Maurepas* and *The Thomas Grenel.*

The next day after his return, Captain Badelouc announced that there was no war between England and France and that they

[2] At the date of this adventure the principal industry of Le Petit Cayman was its turtle fishery, furnishing Port Royal, the Bermuda sloops and home bound merchant vessels. It had once been covered by a mahogany forest but this had long since been cut down and removed. *Long's History of Jamaica,* Book I, Chap. XII.

could draw out and be on their way. The Sieur Bernelot demanded and got a sort of safe conduct from him, but the Englishman carried away with him all the papers, passports and Court packets of the French, except some which were thrown into the sea. When the officers and crew of *Le Comte de Maurepas* were finally freed and back aboard ship, they found that the English had broken open all the chests of the crew, plundered their clothes, broken into and guttted several bales of dry goods, and carried away, or consumed, or broken several hampers of liquors. The Corsair Captain forced the captain and officers of *Le Comte de Maurepas* to sign a declaration written in English and interpreted to them stating he had taken nothing from the cargo; after which he released them and ordered them to raise anchor and continue on their course to Louisiana. The seizure and looting of this ship was therefore a clear case of piracy on the high seas.

On the twenty-second day of January, 1740, *Le Comte de Maurepas*, plundered and disabled, reached The Balize at the mouth of the Mississippi River, arriving in New Orleans on February 20th. On the same day, Sieur Labrousse "pilot" of *Le Comte de Maurepas* appeared before Salmon, the Commissiare Ordonnateur at New Orleans, and entered his report, a marine protest here called a proces-verbal, reciting briefly the story of the attack and plunder of his vessel, and on February 29th, Captain Bernelot and Lieutenant Antoine Le Moyne joined therein. The ship discharged the remnant of her cargo and was thereupon repaired and on April 26, 1740, before sailing for France the officers and some of the crew of the vessel extended the original protest in a procès-verbal executed before Nicholas Henry, the Clerk of the Superior Council, wherein the adventures of *Le Comte de Maurepas* are recited in more detail covering the story from the moment of the attack at one o'clock in the morning, December 13-14, 1739, to the hour of her release. The purpose of these formalities in New Orleans was to preserve the rights of the ship owners and the consignors and consignees of the cargo. It was in short an official record complied in accordance with French Marine regulations.

There is an interesting passage in Long's *History of Jamaica* (*Chap. III*, p. 46)[3] that preserves an English contemporary view of the methods of the French government for the protection of

[3] The writers desire to thank Mrs. R. J. Usher for her courtesy in obtaining for us this History from the library of the Mayan Department, Tulane University.—S. D.

their commerce. There is so little known regarding the local management of the French Colonies and the constant surveillance of its offiicials, that it is not out of place to quote this first-hand and valuable expression of an English Governor who was for years an inhabitant and ruler in the English Colony of Jamaica, whose freebooters are the subject of this paper. Long says:

> "The Government of the several divisions of the French islands is a governor, or general, an intendant, and a royal council. The governor is invested with a great deal of power; which, however, on the side of the Crown, is checked by the intendant who has the care of the king's rights, and whatever relates to the revenues, and, on the side of the people, it is checked by the royal council, whose office it is to see, that the people are not oppressed by the one, nor defrauded by the other; and they are all checked by the constant jealous eye of the government at home; for the officers at all the ports in France are charged, under the severest penalties, to interrogate all captains of ships coming from the colonies, concerning the reception they met at the ports they were bound to; how justice was administered to them; what charges they were made liable to and of what kinds; the passengers and even the sailors, are examined upon these heads; and a proces-verbal of the whole is formed and transmitted with all speed to the admiralty. Complaints are encouraged; but a difference is made between hearing an accusation and condemning upon it. That the colonies may have as little load as possible and that the governor may have less temptation to stir up troublesome intrigue, or favor factions in his government, his salary is paid by the Crown. His perquisites are none; and he is strictly forbidden to carry on any trade, or to have any plantations on the islands or the continent, or any interests whatever in goods or lands within his government, except the house he lives in, and a garden for his convenience and recreation. All the other officers are paid by the Crown, and out of the revenues of old France the fortifications are built and repaired and the soldiers paid out of the same funds.[4]

[4] Edward Long, 1734-1813, was a native of Cornwall, England. He was a lawyer and filled many offices in Jamaica, among them, Speaker of the House of Assembly and Judge of the Vice-Admiralty Court. In 1769, he returned to England and in 1774 published anonymously a History of Jamaica in three volumes, which soon became "exceedingly rare." He revised this work but it was never republished. The manuscript is in the library of the British Museum. *Bibliotheca Jamaiciensis*, Howard Library, New Orleans. The writers desire to express their appreciation of the courtesy of Mr. R. J. Usher, Librarian, Howard Library, in connection with their research for this footnote.—E. D. P.

Documents Concerning the Seizure of the Ship Le Comte De Maurepas by Pirates off Cap. Saint Antoine, Cuba, December 14, 1739.

Translated from the originals in the archives of the Superior Council of Louisiana

BY HELOISE H. CRUZAT[1]

LIST OF DOCUMENTS TRANSLATED HEREIN

1. Declaration of Sr. Labrousse, pilot of the Ship, made in the form of a procès-verbal before Salmon, Commissaire Ordonnateur of Louisiana at New Orleans, January 28, 1740.
2. Statement of work done in New Orleans, April 22, 1740, on *Le Comte de Maurepas* of Bordeaux, to repair and recondition the ship, to enable her to resume her voyage. We have also printed a transcription of the original document to illustrate some of the difficulties of the translator.
3. Declaration by the officers of *Le Comte de Maurepas* dated April 26, 1740, of ill-treatment, damages to ship, pilfering of cargo, freight and officers and sailors' chests by the pirates under Captain Badelouc, December, 1739, January, 1740.[2]

I.

Declaration of Sr. Labrousse, pilot of the Ship, made in the form of a proces-verbal before Salmon, Commissaire Ordonnateur of Louisiana at New Orleans, January 28, 1740.[3]

1740 Jan. 28. Declaration. Lemoine &c. (14238)

In the year one thousand seven hundred and forty, on the twenty-eighth of January, appeared in the office (bureau) of this Colony, Sieur Labrousse, pilot of the ship Le Comte de Maurepas of Bordeaux, of the tonnage of two hundred and fifty tons or thereabout, owned by Sr Jung, ship owner in the said place, who declared that during the night of the thir-

[1] Editor's note. These documents were transcribed and translated by the late Mrs. Cruzat while engaged on the Index to the records of the French Superior Council of Louisiana for 1740, printed *La. Hist. Qy.*, Vol. 10, 1927, p. 278, but the pressure on our pages prevented the publication of these translations during her life. The editor of the *Quarterly* and the authors of the preceding Introduction have also assisted in the translations.

[2] These documents are literal translations printed here without change, except that in the interest of the reader's eye, the editor has divided each department into paragraphs. Our forefathers wrote such papers in continuous lines, from beginning to end, often without punctuation, and nearly always without capitals to designate the opening or closing of a paragraph or subject. These particular documents in the original text have consequently the appearance of a breathless recitation, almost as breathless as the experiences therein described.

[3] In a contemporary report to the minister in France Salmon makes a reference to this case. Rowland and Sanders, Mississippi Provincial Archives, 1, p. 420.

teenth to the fourteenth of December of last year, one thousand seven hundred and thirty-nine, at one o'clock in the morning, being about twenty leagues north-west of Cape St. Antoine, off the island of Cuba, the ship was attacked with cannon shots by a boat beyond reach of the voice, that the Captain seeing that this boat was approaching nearer and nearer to his ship got ready to defend himself, that he previously hailed them through the speaking-trumpet to find out from where the boat came and who they were and being unanswered and the cannon discharges still continuing they fought until the break of day, at which time they perceived the English flag;

That the Captain, having had the Captain of said boat hailed a second time, he answered that he was a corsair from Jamaica, that he was going to send his long boat to sea and ordered him to bring his passport; that the French Captain seeing that he was all unrigged, judged proper, with the consent of his officers and the crew, not to delay doing what was exacted of him, and sent his passport aboard the said ship by the declarer, where having arrived he was detained with the said sailor he had brought with him, under pretext that war was declared and that he had orders to stop Spaniards and French; the declarer having assured him that he had left France since sixty-eight days and that there was

(14239)

no rumor of war, the Corsair Captain answered that he had to go to Jamaica to appear before his General; at the same time he sent a detachment of thirty men from his boat to take possession of the ship. The detachment having boarded her, the one in command lowered the French flag and hoisted his own; he then seized the keys and arms, and in a word the ship, which being in bad condition, was in the moment rerigged; that the Commandant of the English detachment ordered half of the French crew to embark in the ship's long boat and in that of the corsair, to be sent on board the boat; that the Corsair Captain was then brought over to the ship and compelled the French Captain and officers to open their chests and he seized all the Court packets and others; after having opened them and had them (translated) by one of his men, put them back and returned to his Boat, from which he sent back the declarer whom he had detained since the morning, and, in his place, brought Sr Bernelot, bearer of the passport;

That then they took their course to Jamaica. That being near the isle of Le "Petit Cayman" (Little Crocodile), also south of Cuba, the Corsair cast anchor and made the ship anchor at the western point, on the second of this present month. The next day the Corsair Captain returned to the ship, again had the chests opened, took all the Court Packets and private letters and carried them away to his boat; that he afterwards sent a reinforcement aboard the ship, ordering the Captain of the prize to remain anchored; he left for Jamaica that night and took Sr Bernelot and half of the French crew with him, giving him to understand

that he was bringing them to the Governor, that following the orders given by the said Sieur, the Boat anchored in a small bay where there were only negro cabins; that the Captain landed

(14240) after having had him shut in the Boat's room and had all his men put in irons between decks;

That the Boat then came to join the Ship on the eighth day after their departure, on the tenth of the present month, towards four o'clock in the afternoon; that the same night while the officers were still confined in the room of the Ship and the crew between decks, the shallops did not cease going from the ship to the Boat during the whole night, that the English broke open all the chests of the crew and plundered their clothes, that the next day, after the French crew had been set free, it was discovered that they had carried away, drunk or broken several baskets (hampers) of liquor; that the Corsair Captain had the French who were aboard his Boat returned and had a part of his folks sent back; he then ordered the Captain to raise anchor to continue on his course to Louisiana.

The declarer reports moreover that the Captain before returning to his Boat obliged the Ship's Captain and his Officers to sign a declaration in English which he had interpreted to them as a certificate affirming that he had taken nothing from the cargo. When they (the English) had left the Ship its Captain jointly with the officers found that the door of the Ste Barbe[4] had been broken open and that several baskets (hampers) and cases of liquors were missing and that some boxes and bales of dry goods had been broken into and gutted, affirming this present declaration as the truth.

(14241) At New Orleans on the aforesaid day and year &c. has signed, thus signed Labrousse. /. and on the twenty-ninth of February, appeared the Sieurs Louis Bernelot, Capt., and Antoine Moyne, Lieutenant, embarked on the ship, who, after the above declaration had been read to them, certified and affirmed it as true and signed, thus signed: Lemoyne, Bernelot.

for Copy

SALMON.

II.

Statement of work done in New Orleans, April 22, 1740, on LE COMTE DE MAUREPAS, of Bordeaux, to repair and recondition the ship, to enable her to resume her voyage.

Statement of the work done on the Comte de Maurepas of Bordeaux to wit:[5]

[4] Magazine where powder and artillery are kept.

[5] To illustrate the difficulties of the translation we print below the original text of this document.

(14252) First having examined the said ship we found her open in all her seams in the fore part which we caulked anew and raised the cheeks of the mast. Having found the poll of the capstan entirely open as well as the sail-yards in the head of the ship, we replaced them.

Moreover we changed a board ten feet in length under the great chain-wale which had been pierced by a cannon ball;
We, the undersigned, certify to all whom it may concern that on demand of Srs. Bernelot and Lemoyne, First Captain and second of the ship Le Comte de Maurepas of Bordeaux, we made the repairs above mentioned to said ship, which appeared to us an indispensable necessity, seeing that the said ship had loosened in the front only because she had been forced to crowd sail and for this reason was out of condition to continue her course without the said repairs, in testimony of which we
(14253) have signed this present to avail and serve whom it may concern as they may be advised is right and proper. At New Orleans, April 22, 1740.

Signed: Bovpgoin
fauqain francois fmolgt
franssure de villers.

TEXT

Etat Des Travaux Qui Ont Ete Faits Au N^re^ Le Comte De Maurepas De Bordeaux.

Scavoir

(14252) Premièrement ayant visitté le dit navire nous lavons Trouvé ouverte dans toutes ses coutures dans sondevant Lequel nous avons galfette[6] a neuf et Levé les Jautraux[7] ayant Trouvé Leclainguai[8] toute ouverte aussy bien que toutes les portevergues dans léperon[9] que nous avons replacé

Plus avons changé un Bordage de dix pieds de Long sous le grande porte auban[10] a Babord qui avoit été percé par un coup de Canon;

Nous soussignés Certiffions a tous quil appartiendra que la Requisition des Srs Bernelot et Lemoyne, Capne en premier et segon[11] du Nre Le Comte de Maurepas de Bordeaux, Nous aurions fait Les Travaux aud Nre cydessus Mentionné Lesquels nous ont pareu dune Necessite Indispensable attandu que led Navire Navoit Largué dans sondevant que parcequ'il avoit Ete forcé devoille a lamer et quil Se trouvoit Par Ce moyen hors d'Etat de se Remetre

[6] Should be calfate.
[7] jotteraux.
[8] Probably: le linguet.
[9] Should be: l'éperon.
[10] Should be: porte-hauban.
[11] Second; equal to lieutenant, and on a merchant ship: mate.

(14253) en Routte Sans Les dittes Reparations En foy de quoy Nous avons Signé Le presant pour valloir et Servir cequ'il appartiendra de droit ainsy qu'ils avizeront Bon estre, a la Nouvelle orleans Le vingt deux avril 1740.

Bovpgoin

fauqain francois fmolgt

franssure de villers

III.

Declaration by the officers of LE COMTE DE MAUREPAS, dated April 26, 1740, of ill-treatment, damages to ship, pilfering of cargo, freight and officers and sailors chests by the pirates under Captain Badelouc, December, 1739-January, 1740.

On the action of the officers of the ship Le Comte de Maurepas of Bordeaux Sr Jean Jung ship-owner April 26, 1740. (14258)

On this day twenty-sixth of the month of April, one thousand seven hundred and forty, being about to depart, there appeared in the office of the Superior Council of the province of Louisiana, acting as clerk (greffier) of Admiralty, Louis Bernelot, Captain of the ship Le Comte de Maurepas, of Bordeaux, owned by Sieur Jean Jung wholesale merchant in the said city of Bordeaux, Antoine Le Moyne second Captain, Alexandre Lebrousse, Lieutenant; and the Marine officers and sailors of the said ship, undersigned, who said and declared unanimously that being in the vicinity of Cape St. Antoine off the Island of Cuba, enroute to the Mississippi River, addressed to Sr. Pery, wholesale merchant at New Orleans of the said Province, they were stopped by an English boat, as they have recited in the proces-verbal dated December 14th last hereto annexed[12] which will be explained more at length in the present one) as they were not able, at that time to ascertain the extent of the injury and of the plundering done by the said English in their attack on said ship and their raids on the cargo, as well as upon the effects belonging to the officers and the sailors, of which a statement will be drawn up, by each individual, contained in a single one, signed and certified by all the officers and sailors of the said ship and annexed to this present[13] for recourse when need shall be as also that which was executed on their arrival in this Colony while discharging the cargo, according to the invoices and bills of lading.

And in order to better acquaint you with the facts in question and to make a more lawful declaration, we should have produced the log which was seized at sea, for what concerned their

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[12] This document is not in our file and was doubtless executed at sea on board ship after the release of her captives on January 10, 1740. It is also probable that the original was returned to the Captain together with the original protest of January 28th as the one now being translated is only a copy of this last document certified by Salmon. Ed. *La. Hist. Qy.*

[13] This document is not in our files.

(14259) course, where was written in the required order, day by day, all that the said sieurs, declarers, declare by this present: First—the said sieurs declarers declared to us that the proces verbal drawn up on the fourteenth day of last December, annexed hereto, shows faithfully the manner in which they were attacked by the said English boat, the damages done to their ship by the attack, as it appeared at the time of the attack, on which in consequence, that have drawn up a statement in which the whole will be reported and (including) that which they came to know after being out of the hands of the said English, certified and signed by the said declarers, annexed hereto as also the statement of the work and repairs which they were obliged to make to the hull of their ship at New Orleans during their sojourn there, signed and certified by the workmen that such damages were due to the bad management of the English crew on their ship in making them change their course to the Island of Jamaica, crowding sail without any regard (to safety) as is affirmed by the said declarers.

That on Wednesday, fourth day after the English seized their ship and took all control from the said declarers, divided the crew, partly in the Boat and partly in the ship of the said declarers, they were forced to return on their course following the orders of the Captain of the said Boat, who feigned by a false appearance of probity to bring their ship to Jamaica to decide on the pretended prize of the said declarers following the event of war if it had broken out between England and France. Several

(14260) days passed during which the whole cargo and effects belonging to the crew were exposed to the mistreatment of the English who treated them not as men assured of a just prize and as would be authorized by the law of war between the crown of France and that of England, but as pirates.

On Sunday, third day of the month of January of the present year, they anchored at the Isle of the Litle Crocodile (Petit Cayman) where the English Captain left a part of his crew in the ship of the said declarers to assure himself of possession and took half of the officers and sailors of the said declarers in his boat with their papers, passports, individual letters and those of the Court and then without any regard broke the seals, notwithstanding the protests of said declarers, read them. as set forth in the declaration made here on their arrival, and annexed hereto. That they then took their course for Jamaica pretending to seek information if there was war between France and England, the sole and only motive of said English being to cover by an appearance of equity the ill treatment and damages done to said declarers, to their ship, as well as to the cargo and to them personally. It is shown by the present declaration of Sieurs Bernelot,

(14261) Captain; Pupand, officer;[14] Coquillo, merchant passenger, a cooper; and the undersigned sailors who were in the English boat, that when they made a landing at

[14] He signs Pipand.

Jamaica, the Captain did not anchor at the Capital City of Jamaica, but at a distance of about sixty leagues towards Pointe Négritte, avoiding a first bay for the anchorage where they should have landed, in which there were two English vessels, apprehending that it would be noticed by them that there were Frenchmen aboard, which would have defeated the designs of the English Captain.

After casting anchor he had the sailors put in irons and confined the officers and passengers; declaring he was going to the aforesaid place where appeared a few plantations, to seek information if they were at war with France. That having spent the night in debauchery he returned after three days, pretending to have been to the Capital City to learn from the Governor if we were really at war and to assure on his arrival that war being declared between England and France, the said declarers were a legitimate prize. This manner of discoursing appeared to the declarers a false pretense used by the English Captain to bring the declarers back to their ship, without having any recourse to the right (of condemnation) which he had pretended to invoke at the time of the attack. He at last set sail and came to join the ship of the said declarers and during this time the part of his crew who had remained on the ship of the said declarers had broken open the chests of the crew, officers, declarers, and even the door

(14262) of the Ste Barbe[15] where they had a quantity of liquors, refreshments and provisions, as shown in the statement hereto annexed, having confined the officers in the cabin the better to exercise their inroads. The English boat having arrived the plundering and debaucheries increased. Finally the English Captain announced to the said declarers that they could draw out, that there was no war between England and France and sending back those of the said declarers whom he had detained aboard his boat after having threatened and partly ill-treated them during the course of the voyage to Jamaica.

The said declarers also say that Sieurs Le Moyne, Bernelot and Labrousse, their officers, were forced to sign a declaration without knowing what it contained written in the English language, which is known to none of the said declarers, presented to them by the Captain named Badelouc as it came to their knowledge and by a sort of safe-conduct which the Captain declarer demanded of him, written in English signed J. P. Badelouc, which remains annexed to this present.

The said declarers also say that they learned that the Lieutenant of the said English boat is named Thomas Grenel; the interpreter David, the boat-swain John Addison, who in particular compelled the said declarers to give him a discharge as having done no wrong personally, as affirmed by said Sr Labrousse who wrote it, which he protests as null as also the one which they

[15] Powder magazine in which artillery was also stored.

signed for the English Captain, being compelled thereto by superior force. ("force majeure")

(14263) That the said Englishmen carried away their papers, passports and Court packets under conditions heretofore declared, with the exception of several private letters which they threw into the sea.

That the said declarers were compelled to take their course to the Mississippi River, being forced to do so by the vigorous threats of the English Captain who saw that the intention of the declarers was, as far as possible, to return to Jamaica to lodge their complaints, (against him) and they arrived at the Balise on the twenty-second of January of the present year and at New Orleans on the twentieth of February following; after having unloaded, they made a statement of the damages to their ship, the plundering of the cargo, of the merchandise charged with freight, of the effects owned by the officers and crew, signed and certified by the said declarers to remain annexed to this present and to demand justice thereof of whom it may concern as well as in the name of Sr Jean Jung, outfitter and owner of the said ship and in their individual names as promptly as may be done, of all of which we have granted act to the said Sr declarers of their declarations to avail and serve as they will judge proper and have signed:

(Signed) Moine: Bernelot. Labrousse. Douteau. Pipaund. Coquillo passenger. Mathieu passenger. Latour patron. Bordes boatswain, by his ordinary mark francois f mayicap. normand gunner. Philip Luneau masjee. danguisard. tauzin. pierre dumas.

(Signed) Henry (paraph) Clerk ("Greff")

NEW ORLEANS AND THE WAR OF 1812*

BY REED MCC. B. ADAMS†
New Orleans, La.

PREFACE

IT IS HOPED that this study presents the relation which New Orleans had to the War of 1812 in a manner which will enable the reader to appreciate how intimate this relation was. Particular phases of the subject have been adequately covered by others in many good local histories, biographies, and special accounts, but the correlation plan as applied in this instance is believed to be unique. Written by one who is neither a native nor a citizen of New Orleans, its treatment will especially interest those who are more concerned with the city's place in national and international history.

The general plan followed is to correlate the separate events in the Southwest with those taking place in New Orleans. After having pointed out that any British invasion of that section would be an attempt to take New Orleans because of the poor state of its defenses as well as because of its economic importance, the several events in the Southwest are next recorded with special attention to those occurring in that city. Once the British expedition arrived the several steps in the invasion are carefully noted, along with the measures which were being taken to repel the invader. When the Battle of New Orleans resulted disastrously for the British they soon retired. The paper closes with a brief account of the readjustments which took place in New Orleans, until official news of peace brought the War of 1812 in the Southwest to an end.

R. M. B. ADAMS

April 1, 1832

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CHAPTER I

WHY THE WAR OF 1812 IN THE SOUTHWEST WAS A CAMPAIGN FOR THE POSSESSION OF NEW ORLEANS

WHEN two nations are at war, a campaign is directed against a certain section of the enemy's territory either because of the inferior quality of its defenses, or because the advantages afforded by its possession are so great as to warrant the expenditure of the effort necessary to accomplish its retention. The purpose of the investigation throughout this chapter, is to determine which of these considerations led the British to invade the Southwest, and why that invasion was a campaign for the possession of New Orleans. If it should be discovered that the defenses of the city were weak and insufficient, and that in addition its economic importance was such as to justify strenuous efforts being made for its capture, we shall know why the British expedition was directed against New Orleans. Consequently, let us direct our attention first to the defenses of the city prior to the War of 1812 and see what measures were taken from time to time to protect it from threatened invasion. That done, a brief survey of the commercial activities at New Orleans for the same period will enlighten us as to its strategic value to the Southwest.

New Orleans was early recognized as the key to the Mississippi Valley. The problem of its defense has been solved in various ways. The French were the first to erect any artificial protection of any importance. In the winter of 1729-30 a palisade was erected around the city, a moat dug, and every house in New Orleans and every plantation near it provided with arms in anticipation of an attack by the Indians. This activity was occasioned by the destruction of Fort Rosalie[1] (Natchez) by the Chickasaws and Choctaws. There was no attack but every able-bodied male in the city was called on to bear arms at one time or another during the campaign which followed. The danger past, the people soon resumed their careless indifference and the defenses were neglected until the capture of Fort Duquesne by the English in 1758 during the Seven Years War. Then additional barracks were hastily constructed for its garrison which were making their way down the Mississippi by boat to New Orleans and the fortifications were restored in a manner calculated to furnish protection on all landward approaches to the city with salients at intervals and a banquette within. But the only English

[1] J. S. Kendall, *History of New Orleans*, (New York, 1922), I, 10.

to disturb Kerlerec, the governor[2] at this time, were smugglers from the British territory to the North and Northeast. He had more reason to be afraid of his own subjects for it was not long before his failure to appreciate and sympathize with their American frontier spirit caused such dissension in the colony that he was recalled.

The Treaty of Paris, which ended the Seven Years War in 1763, transferred Florida to Great Britain, and France gave Spain Louisiana to reimburse her for the loss of that Province. The first Spanish Governor to take an interest in the fortifications of New Orleans was Carondelet who became governor of Louisiana in 1791. He caused two forts to be erected; St. Charles at the lower end of the Mississippi front, and another at the upper, landward end of the city. But these were of no strategic value. The condition of the defenses eight years later is given[3] in the notes of a traveler as of March 4, 1799:

> Having two hours to spare, it may not be amiss to make a few remarks as to the situation of New Orleans: It is situated in 29° 59′ north latitude 14° 53′ Longitude West from Philadelphia. The city is built in an oblong square, parallel with the river, which runs here nearly north and south . . . The city is surrounded by a deep ditch, and palisadoed (sic) on its interior bank with picketed cypress. This barrier takes its route round those sides of the city exposed to the land, and joining the river above and below the town, and is guarded by three tolerably strong forts. There are two gates leading to the interior of the country, guarded by mounts raised on each side, upon which, canon are planted. There are also two other gates about one miles (sic) asunder, the one up, the other down the river, whose entrance is guarded by the formidable cannon (sic), with some of their mouths pointing to the river. Between these two gates are five row gallies (sic), stationed opposite to the governor's house, which are always kept in order and manned ready for action.[4]

Such was the state of the defenses of New Orleans when Louisinana was taken over by the United States in 1804.

American possession of New Orleans produced no particular activity until the "Burr Conspiracy" episode. In 1805 Wilkinson, the general in command of the regulars stationed in the district which included Louisiana, sent a letter to the President exposing

[2] *Ibid.*, I, 12.
[3] *Ibid.*, I, 34.
[4] R. G. Thwaites, *Early Western Travels* (Cleveland, 1904), IV, 366-67.

Burr's activities, and Major Porter was sent to New Orleans with a force of artificers and a company of a hundred regulars. When Wilkinson arrived there was a hurried repairing, remounting, and equipping of every piece of artillery in the city, the preparations of munitions of all descriptions, the overhauling of harness and the manning of the forts, the issue of contracts for palisades and instruments of defense and other evidence of preparations for an attack. Apparently the attack was expected to come from the Spanish, but it is more likely that Wilkinson was apprehensive as to what Burr was planning to do. With the arrest of Burr this activity ceased and it is not[5] until 1807 that the defenses of New Orleans were further improved by moving additional regulars into the city. This became necessary because of a series of collisions between American and European sailors who met each other in genuine conflict on the levees with recurring frequency. This is the last attempt to improve the defenses of[6] New Orleans prior to the War of 1812.

An estimate of the above convinces one that until the beginning of the War of 1812, in fact, up to the arrival of Jackson, as we shall see later, the defenses of New Orleans were of an inferior sort only calculated to resist an attack of untrained infantry unsupported by artillery or other equipment of direct assult such as scaling ladders, rockets, etc. Against such a force, the city was amply fortified, her garrison of sufficient strength. From the following letter describing preparations made for trouble on the German Coast in 1811 it is evident that then, as during the War of 1812, the militia forces were sadly in need of arms and ammunition:

To Major McRae
Commg. the Regular Troops. (about December 24, 1811)

Information having reached me that the Negroes (sic) in the County of German Coast had again evidenced a disposition to rise in Insurrection, & that this spirit was supposed also to exist among Negroes (sic) in this City, I have deemed it essential to take some immediate *measures of precaution*;—Among these companies of Militia in case of alarm by day or night are ordered to rendezvous at (—? —) and there await my orders.—But as the Militia force would be of little use unless well armed and supplied with ammunition, I must ask the favour of you, to send to the

[5] Kendall, *op. cit.*, I, 81.
[6] *Ibid.*, I, 87.

Principal, (to remain under the care of the City Guard, & not to be used, unless in the case of necessity) about 150 stand Muskets, and several Boxes of Ball Cartridges. As regards the regular force under your Command, I am assured, they are at all times in readiness for service, & if the occasion requires, I shall, with entire Confidence, Calculate on your prompt, co-operation.—

I am, Sir, &c a &c a

Signed

William C. C. Claiborne.[7]

The trouble on the German Coast first became serious in January, 1811. An order was published closing all the cabarets in the city and suburbs of New Orleans, and prohibiting male negroes from passing the streets after 6 o'clock. This was issued because of an attack by between 180 and 500 brigands upon the plantation of Colonel Fortier, but the arrival of United States troops evidently caused them to disperse, and a few days later Governor Claiborne received a communication[8] describing successful operations against the brigands on the German Coast. A letter from Claiborne to James Monroe, Secretary of state,[9] dated January 24, 1812 speaks of trouble from a different source, showing the need for better local protection:

I have the honor to enclose you a Copy if (sic) a Letter from the Parish Judge of nachitoches (sic) advising me of the Robbery & Murder, of some unoffending Spaniards, by an armed Banditti, who had taken post within the limits of this Territory between the Arroya Honda & the Sabine.—You have also enclosed a Copy of a Memorial upon the subject addressed to me, by several respectable Merchants of Nachitoches (sic). On a former occasion I informed you of the Instructions I had given to the officer Commanding the Militia of Nachitoches (sic) to aid the Civil authority in the preservation of good order,—But prompt Co-operation of General Hampton, & by a Letter (of which the enclosed marked (A) is a Copy) suggested the expediency of establishing three small Military post (sic) between the Arroya Honda & the Sabine, on the road leading to Nacogdoches.—

A very lucrative Commerce is at present carried on between Nachitoches (sic) & the neighbouring Spanish provinces;—But if the System of Brigandage which has

[7] D. Rowland, *Official Letter Books of W. C. C. Claiborne* (Jackson, 1917), VI, 16-17.

[8] Louisiana State Museum Collection, *Louisiana Courier* (Cabildo, New Orleans), issue of January 11, 1811.

[9] *Ibid.*, January 14, 1811.

> recently been practiced, be not speedily checked, all intercourse must be suspended, & instead of that good understanding with our neighbours which at present exists, a spirit of ill-will & distrust will be generated, which it may be difficult to conciliate.—[10]

The establishment of a gendarmery in the parish of New Orleans in November, 1812 furnished the necessary protection whereby regular troops were released[11] for such operations as those just described. This is characteristic of the defenses with which New Orleans was supplied at the beginning of the War of 1812; a strong force of citizen soldiery ineffective against regulars because insufficiently equipped, with no fortifications protecting the city worth garrisoning. The number of regulars stationed in the city was never large, only about 500 being available in July, 1814 to repel the threatened invasion by the British. Having established the inferiority of the defenses of New Orleans[12] our next interest is in its commercial importance.

A brief resume of the commercial life at New Orleans from its founding up to the War of 1812 is undertaken in order to more fully appreciate the true significance of its position at that time. The first to perceive the economic possibilities of New Orleans was La Salle who hoisted the French flag over the site of the city in 1694. Bienville, sent to Louisiana in charge of the French colonization that followed La Salle's explorations, also appreciated the importance of a location near the mouth of the Mississippi and chose New Orleans for his capital, pointing out to the home government the advantages which it offered. When Biloxi was officially abandoned in 1722 and seven years later[13] Natchez wiped out by an Indian massacre, New Orleans was without a rival in the Southwest. But the French[14] government pursued its usual colonial policy of neglect and nothing was done to develop commercial leadership except by one governor, Kerlerec, who strove to isolate the territory from the English traders. The Treaty of Paris in 1763 by which the British boundaries[15] in North America were advanced as far as Baton Rouge and Manchac, and the right of free ingress and egress at the mouth of the Mississippi conceded to England by France, made this impossible even though French law forbade the colonials to trade with the

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[10] Rowland, *op. cit.*, VI, 39.
[11] L. S. M. C., *La. Courier*, November 16, 1812.
[12] J. S. Bassett, *The Life of Andrew Jackson* (New York, 1916), I, 146.
[13] H. Rightor, *Standard History of New Orleans, Louisiana* (Chicago, 1900), p. 58.
[14] F. X. Martin, *History of Louisiana* (New Orleans, 1882), p. 160.
[15] *Supra*, p. 2.

English. An illicit commerce was carried on and at a point just above New Orleans then known as Little Manchac, and later as Jefferson City, a market appeared where smuggled goods were bought and sold. British ships, under pretense of visiting the new posts on the Mississippi, put in there with miscellaneous cargoes, negroes mostly, for which there was a great demand. D'Abadie, Kerlerec's successor as governor, ignored what he saw himself powerless to correct. When the transfer of Louisiana to Spain, made in 1763 with the signing of the Family Compact, came to light two years later, imminent strict trade regulations caused considerable dissatisfaction,[16] resulting in an uprising in October, 1768. Even after it was put down the leaders appealed to the English at Mobile to come over to take charge at New Orleans, but received no encouragement. The British did not have adequate forces on hand for the venture and it is doubtful if the people of New Orleans would have accepted their old enemies.

The first Spanish governor of Louisiana was O'Reilly[17] who arrived in New Orleans in 1769. He immediately pounced upon the British traders, expelling them from the Province. Pollock, an American merchant from Baltimore, was the only foreigner permitted by O'Reilly to trade in Louisiana. With such restrictions the commerce of New Orleans made little progress. A tax of six dollars laid on every ship of 20 tons burden or over entering or leaving the port devoted to the maintenance of the levees produced but a small part of the revenue it might have under[18] a different trade policy. During the American Revolution the Americans were allowed to buy arms, etc., and ship them up the Mississippi to Fort Pitt. The restriction on American trade were again modified and the British eliminated from competition when Spain joined in the war against England, Galvez attacking the English in America (1779), stopping all trade with them at the same time. The American trade was further enhanced by Miro, who became governor of Louisiana in 1785, when he withheld trading privileges from the French for a time sufficiently long to firmly entrench the Americans. Spain realized the danger to her sovereignty over Louisiana in the growing trade with the United States in the Southwest and at Madrid they wanted it curbed. But Miro, with General Wilkinson, thought to include the Western Country in the Spanish territory. Carondelet who came as gov-

[16] Kendall, *op. cit.*, I, 17.
[17] *Ibid.*, I, 21.
[18] *Ibid.*, I, 29.

ernor in 1891, also wanted Kentucky and Tennessee. This plan had to be given up, however, with the admission of Kentucky into the Union in 1792, followed by Tennessee four years later. The greatest restriction to the incorporation of the Western Country with Spanish Louisiana seems to have been the disinclination of the Pioneers to subject themselves to the spirit of Spanish commercial regulations. Gayoso succeeded Carondelet and under him New Orleans' commerce improved. Then in 1802 Morales, the Intendant at New Orleans, forbade the use of the city as a place of deposit for the Americans despite the fact that that right was guaranteed to them by the Treaty of San Lorenzo in 1795.[19] President Adams immediately ordered three regiments to be concentrated in Ohio and others to be kept in readiness. Still the right was not restored even though Wilkinson, on his way to Washington, stopped off at New Orleans to see Morales concerning his action. It was not until May, 1803, that orders from Madrid restored the right, too late to correct the wrong done,[20] and not until the closure of the port had caused the Westerners to declare that the free navigation of the Mississippi was theirs by right, and that if it could not be obtained any other way that they intended to have it by force.[21] The interest of the Pioneers in the "Key" to the Mississippi and its tributaries is easily understandable. They had insisted on American possession of the Ohio Valley, and the united effort necessary to acquire this territory was quickly transferred to the extension of the economic empire on down the Mississippi, the natural outlet of the Western lands. France, England, and Spain each in turn, tried by devious means to deprive them of their heritage.[22] However, the pressure exerted by the Pioneers finally became so great that even the constitutional scruples of Jefferson had to be sacrificed that the outlet to the Mississippi might be assured to their unrestricted commerce.[23] As for the men of the West whose insistence had made its ultimate possession inevitable, we shall see them giving their all, fighting to defend the "Key" to their economic independence.

It was predicted by Jefferson when he purchased Louisiana that New Orleans was destined to lead the world in commerce. He not only appreciated its command of the Mississippi, but understood the advantages of its situation for commerce with the

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[19] L. M. Sears, *A History of American Foreign Relations* (New York, 1927), pp. 75-77.
[20] Kendall. *op. cit.*, I, 35-38.
[21] T. Roosevelt, *The Winning of the West* (New York, 1889), II, Chap. XIII, *passim*.
[22] F. J. Turner, *The Frontier in American History* (New York, 1920), pp. 166-70.
[23] J. H. Latané, *A History of American Foreign Policy* (New York, 1928), pp. 109-10.

West Indies, Mexico, Central and South America, and Europe.[24] A survey of the trade at New Orleans about this time is given by Martin:

> In the year 1802, two hundred and fifty-six vessels of all kinds entered the Mississippi: eighteen of which were public armed vessels: the others, merchantmen, as follows:
>
> | | *American* | *Spanish* | *French* |
> |---|---|---|---|
> | Ships . . . . . | 48 | 14 | 0 |
> | Brigs . . . . . | 63 | 17 | 1 |
> | Polacres . . . . . | 0 | 4 | 0 |
> | Schooners . . . . | 50 | 61 | 0 |
> | Sloops . . . . . | 9 | 1 | 0 |
> | | 170 | 97 | 1 |
>
> Of the American vessels, twenty-three ships, twenty-five brigs, nineteen schooners and five sloops came in ballast.
>
> Five Spanish ships and seven schooners came also in ballast.
>
> The tonnage of the merchantmen, that entered the Mississippi, was twenty-three thousand seven hundred and twenty-five registered tons.
>
> In the same year, there sailed from the Mississippi:
>
158	American vessels . . .	21,383 Tons.
104	Spanish vessels	9,753 Tons.
3	French vessels	105 Tons.
Total, 265		31,241
>
> The tonnage of the vessels that went in ballast, not that of public armed ones, is not included. The latter took off masts, yards, spars and naval stores.
>
> There was a considerable coasting trade from Pensacola, Mobile and the rivers and creeks falling into lakes Pontchartrain and Maurepas and the neighboring coast. From it, principally, New Orleans was supplied with ship timber, lime, charcoal, and naval stores; cattle was (sic) also brought from these places. Schooners and sloops of from eight to fifty tons, some of them but half decked, were employed in that trade. Reckoning their repeated trips, five hundred of them entered the bayou St. John in 1802, with thirteen galleys and four boats.
>
> There was also some coasting trade between New Orleans and the districts of Attakapas and Opelousas by the Balize.

[24] Rightor, *op. cit.*, p. 57.

Estimate of the produce shipped from New Orleans, in the year 1802, including that of the settlements on the Mississippi, Ohio, etc:

	Tons.
Flour, 50,000 barrels	5,000
Salt beef and pork, 3,000 barrels ..	500
Tobacco, 2,000 hogsheads	1,400
Cotton, 34,000 bales	17,000
Sugar, 4,000 hogsheads	3,000
Molasses, 800 hogsheads	500
Peltries	450
Naval Stores	500
Lumber, chiefly sugar boxes	5,000
	33,350
Potash, Indian corn, meal, lead, cherry and walnut planks, hemp, masts, spars, hams, butter, lard, peas, beans, biscuit, ginseng, garlic, cordage, hides, staves, tobacco, in carrots	6,650
	40,000

From Martin's[25] survey it is evident that the acqusition of Louisiana by the United States promised to be a good investment. The trade at New Orleans at that time made that city alone worth the purchase price. This flow of traffic down the Mississippi to New Orleans had begun with the Indians who would come down the river to hunt or war against their enemies. With the arrival of the white man, barges, arks, scows, flatboats, etc., were introduced. Then the campaigns on the Ohio, 1790-94, lead to the development of the keel boat which could go upstream. But these boats had to reserve so much space for oarsmen that their use for trading purposes was never extensive. Most of the earlier travelers were emigrants who would float to their destination and there knock their boats apart using the materials thus obtained in the building of houses, etc. However the number of cargo boats steadily increased. In 1811 Bradbury found thirteen arks moored at New Madrid and five years later a traveler from Natchez to Louisville met two thousand flats in a voyage of twenty-five days. Soon a keen competition sprang up between the merchants at New Orleans and those of Philadelphia for the Louisville and Cincinnati markets, and it was not until the port of New

[25] Martin, *op. cit.*, pp. 317-18.

Orleans was closed by the Civil War that the issue was finally decided in favor of the East.[26]

> On the tenth of January, 1812, the inhabitants of New Orleans witnessed the approach of the first vessel, propelled by steam, which floated on the Mississippi, the New Orleans, from Pittsburg. The captain stated, he had been but two hundred and fifty-nine hours, actually on the way.[27]

The New Orleans, which had cost about three thousand dollars, had a carrying capacity rated at one hundred tons, and soon proved her ability to go upstream, running regularly from New Orleans to Natchez until destroyed in 1814. The Orleans Territorial Legislature rewarded her owners by granting[28] to them the:

> . . . . sole and exclusive right and privilege to build, construct, make, use, employ and navigate boats, vessels and water-crafts, urged or propelled through water by fire or steam, in all the creeks, rivers, bays and waters whatsoever, within the jurisdiction of the Territory, during eighteen years.[29]

The act creating this monopoly, passed April 19, 1811, went into effect January 1, 1812. In addition a certain number of boats were required to be built, and an extension of the exclusive right of navigation on the waters of the territory was given for any built in excess of this amount. The advent of the steamboat was a great boon to commerce[30] along the river and New Orleans reaped many of its benefits. With the invention of cotton-handling machinery it soon became one of the chief centers of the cotton trade. The successful revolts of the Spanish colonists bordering on the Gulf further increased the commerce at New Orleans, and by 1812 it[31] had grown to such proportions as to receive notice in the *Louisiana and Mississippi Almanack* published at Natchez:

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[26] F. L. Paxson, *History of the American Frontier* (New York, 1924), pp. 156-58.

[27] Martin, *op. cit.*, p. 354.

[28] Paxon, *op. cit.*, pp. 155-56.

[29] C. Gayarré, *History of Louisiana* (New Orleans, 1885), IV, 268.

[30] Rightor, *op. cit.*, pp. 286-87. The latter part of the arrangement amounted to the granting of a perpetual monopoly and was declared unconstitutional by the Supreme Court of the United States, Gibbons v. Ogden, 9 Wheaton 189, 1824, in New York.

[31] J. H. Latané. *The United States and Latin America* (New York, 1921), Chap. I, *passim*.

To give the reader some idea of the business of New Orleans, and of the quantity of upper country produce deposited there, we present the statement as made in the New Orleans papers, of June 1812, which says "our receipts from the upper country, from 1st January to 31st May inclusive, are, of

Flour	63,267	blls. avg. price	$ 6.00	$ 379,602
Cotton	31,092	bales	35.00	1,088,220
Bacon	54,200	lbs.	.09	4,878
Lead	1,003,000	lbs.	.08	80,640
Lard	77,050	lbs.	.09	6,934
Whiskey	3,671	blls.	16.00	58,736
Pork	3,118	blls.	10.00	31,118
Corn	8,680	blls.	1.75	15,200
Tobacco	1,573	hhds.	30.00	47,190
Rope Yarn	1,239	reels"	90.00	111,510
				$1,824,028

Thus in five months, according to my estimate of prices, New Orleans receives, consumes and exports upper country produce to the amount of *one million, eight hundred and twenty-five thousand dollars,* and if numerous other articles were mentioned, the sum would exceed two millions for the same time.[32]

The trade development of New Orleans was arrested by the War of 1812, however, and it was not until several years after the end of the war that its commerce recovered from the restrictions placed upon it during that period.

England was not slow to appreciate the growing[33] importance of New Orleans as a trade center. British dealings with Spain's colonies in Central and South America must have made her realize that New Orleans was destined to become not only the emporium of the Southwest, but the chief center of Latin American trade in the United States. The British designs on Cuba were suspected to be but the preliminary of an attempt to obtain a monoply of the commerce of Spanish America whereby she might participate in the trade controlled at New Orleans, as well as open new markets for her own goods. These designs finally became so marked that when Governor Claiborne of Louisiana wrote to Paul Hamilton, secretary of the navy, December 26, 1811,

[32] *Louisiana and Mississippi Almanack,* No. II, 1813, pp. 56-57.

[33] City Archives of New Orleans, *Port Duties of Registration* (at the City Hall), 1812 to 1823, original manuscript.

the major part of the communication was devoted to a discussion of the recent activities of the British in Cuba. But when the War of 1812 made direct action at New Orleans possible[34] agitation in Cuba subsided. The British knew that if they could obtain command at New Orleans or even share in its commerce that it would mean more to their trade than the possession of Cuba could ever mean, and the good will of the Spanish authorities was an important factor in any operations which they might plan to direct against that city. The probability of a British attack is clearly expressed by Latour in his *Historical Memoir*:

> . . . . the British, having numerous fleets, could not fail to make an attempt against Louisiana;—a country which already by its prodigious and unexampled progress in the culture of sugar, had become a dangerous rival to the British colonies. The city of New Orleans contained produce to a vast amount. The cotton crops of the state of Louisiana and the Mississippi territory, accumulated during years, were stored in that city, surrounded with considerable plantations having numerous gangs of slaves. It was in a word, the emporium of the produce of a great portion of the western state.[35]

The determination of the planters to raise cotton regardless of what restrictions might be placed in the way of its disposal manifested itself as early as 1808 when the planters of the Mississippi Territory prepared to plant another crop of cotton just a few months after the passage of the embargo act. Consequently one is not surprised that cotton continued[36] to be planted, gathered, baled, and shipped down the river even after the British blockade made it unlikely that any of it could travel further than to New Orleans on its way to the mills of Europe. But the British blockade along the Gulf Coast and at the mouth of the Mississippi river proved so effective that by the time the British arrived below New Orleans in 1814 there was a fortune awaiting them in cotton alone, should they succeed in taking the city.[37]

Having established the economic importance of New Orleans the investigation of the first chapter is ended. A more tempting prize with which to reward the enterprise of arms could not have

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[34] Rowland, *op. cit.*, VI, 20-22.

[35] A. L. Latour, *Historical Memoir of the War in West Florida and Louisiana in 1814-15* (Philadelphia, 1816), p. 9.

[36] Mississippi State Archives, *Claiborne Papers, Rodney to Poindexter*, February 3, 1808, original manuscript.

[37] Parton, J., *Life of Andrew Jackson* (New York, 1887), II, 14-15.

been found anywhere at that time. With defences which were worthless against a well equipped army of invasion and a store of goods in the city worth millions it is no wonder that the capture of that port was made the objective of the British invasion of the Southwest, and that as soon as the defeat of Napoleon released the necessary number of troops they were formed into an invading force to be sent against New Orleans.

(To be Continued)

RAPIDES PARISH, LOUISIANA—A HISTORY

By G. P. WHITTINGTON

THIRD INSTALLMENT

(Continued from January, 1933, Quarterly)

CHAPTER V

RAPIDES BECOMES A PART OF THE UNITED STATES

THE first act in this drama was the ratification of the treaty between the United States and France. On October 31, 1803, President Thomas Jefferson signed the act of Congress, which provided:

> Sec. 1. The President of the United States be, and he is hereby, authorized to take possession of and occupy the territories ceded by France to the United States, by the treaty concluded at Paris on the thirteenth day of April last, between the two nations, and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.
>
> Sec. 2. Until the expiration of the present session of Congress, unless provisions for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion."[28]

[28] Thorpe's American Charter Constitution and Organic Laws, Vol. 3, p. 1364.

There seems to have been doubt in the minds of the Americans as to their being permitted to peaceably take possession of Louisiana, and for that reason the authorization and powers contained in the first paragraph were conferred upon the President. Spain protested the sale of Louisiana by Napoleon to the United States, claiming that it was the rightful owner and that the title had never been divested. There was a Spanish militia in the colony under the command of Spanish officers who were presumed to be loyal to the mother country.

On October 1, 1800, the colony of Louisiana was ceded to France by Spain in a secret treaty, the terms of which were not known to the people of the colony, or to the world, for some time after that date. In fact, the first official information received by Louisiana was the order of the King of Spain of date October 15, 1802, directing that the province be surrendered to France, naming the Governor of Louisiana, Salcedo, and the Marquis de Casa Calvo, as commissioners on the part of Spain to carry out this order. Pierre Clement de Laussat, the French Colonial Prefect, arrived in New Orleans on March 24, 1803, to take possession of the colony for his nation and prepare for the establishment of the government that he thought was to be established. But on June 6, 1803, he was named as Commissioner of France to deliver the territory to the United States. Thus his dream and that of the residents of Louisiana of the return of a French government to the colony was blasted.

On the 30th day of November, 1803, the ceremony of the transfer of the colony from Spain to France took place in the Cabildo in New Orleans and the three commissioners, two of Spain and one of France, met in the Sala Capitula of this old building, that had seen and was destined to see so many other ceremonies connected with the history and welfare of Louisiana. Having presented their commissions and authorizations, the one to the other, the formal delivery and possession of the colony on behalf of Spain was made by Salcedo and accepted by Laussat. We are told that the commissioners then proceeded to the balcony that overlooked the square in front of the building, a large crowd of people having gathered there. Casa Calvo on behalf of the King of Spain absolved all of those, who desired to become citizens of France, from their oath of allegiance to his master, the King of Spain. This having been done, the flag of Spain that had been flying at the top of the flag pole in the square was lowered and

that of France took its place. The ceremony was over. The ownership of the colony had changed hands once more; this time without the shedding of blood as had been the case when Spain became the owner.

The only change in Government of the province that seems to have taken place between the time of the transfer from Spain to France and then from France to the United States, was a dissolution of the Cabildo and a substitution of a Council. The Government of the various posts outside of the City of New Orleans continued as in the past, the same commandants who had served Spain remained in charge, vested with the same powers until the United States received the delivery of the territory from her commissioners on December 20, 1803.

Jefferson named as the commissioners to represent the United States, William Charles Cole Claiborne, the governor of the territory of Mississippi, and General James Wilkinson of the United States Army. Wilkinson and Claiborne, with the detachments of the regular army, and a few militia, left Natchez and proceeded to the outskirts of the City of New Orleans, where camp was made. A messenger was sent to Laussat to inquire when it would meet with his approval for the commissioners and their forces to enter the City. Being requested to act at their pleasure, the march was taken up on the 20th of December, and the commissioners reached the Cabildo at about noon on that day.

Very much the same ceremony as that of the 30th of November was enacted; the exchange of commissioners' credentials and instructions, the surrender of the province, the trip to the balcony for the absolving of the people from their allegiance to France, the lowering of the French flag and the raising of the American. On this occasion, we are told by the Louisiana historians, there was great rejoicing on the part of the Americans who were present in New Orleans, and much sorrow and misgivings on the part of the French, Spanish and Creoles. The Creoles were in doubt; some did not think that it would be long before they would again be under the rule of France, or Spain; others were troubled as to what the change in Government would mean to them, for they did not understand the doctrines of the common law, or laws, of the United States and yet they expected to be compelled to accept its teachings and forms and live under its rules. Then again the man who was sent as the governor general could not speak the language of the people, nor could they understand his.

Neither understood the temperment of the other, each side doubting the others' sincerity.[29]

Claiborne was born in Virginia, had emigrated to Tennessee, where he had engaged in the practice of law and had been elected to Congress. In the fight between Jefferson and Burr for the Presidency, Claiborne had voted for Jefferson and thereby secured his eternal gratitude and friendship. He, Claiborne, had been trained in the common law and was ignorant of the doctrines of the laws of France and Spain and those that prevailed in Louisiana. Like the majority of the people of the older states, he was of the opinion that the common law, as it had been handed down to the people of the United States from England, was the greatest system of law in the world. The people he was to govern had lived under the easy colonial rule of France and Spain as it existed in Louisiana. They had never known of a trial by jury, the selection of officials by the people and the countless other customs and laws so dear to the hearts of the Englishmen and colonists of America. At first Claiborne and the Creoles of Louisiana were as far apart as the poles, but in time each came to realize the good qualities of the other. The Creoles became the fast friends and supporters of the Governor, and he in turn became their admirer and advocate. It may have been that his marriage to a Creole helped.[30]

Louisiana, as we have seen, was re-transferred by Spain to France on the 30th day of November, 1803. Between that date of the delivery of the province by France to the United States, no change in the officials of the country posts was made. These post commandants who had served under the Spanish rule continued to hold their offices and exercise the powers and privileges just as in the past. It was not until Louisiana had been delivered to the United States and a government provided that any change took place. In the transfer of the various posts, the man who represented the United States in taking possession of these places was also named as the official of France to receive the post and its archives from the Spanish Government and he then, in turn, received them as the representative of the United States. Then he turned the post and its archives over to the former commandant, who held them as an officer of the United States. The following letter sent to William Miller by Laussat seems to have been the usual form used:

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[29] Account of the transfer in the History of Louisiana by Martin, Gayarré, and Fortier.

[30] See Histories of Louisiana by Martin, Gayarré, Fortier, and Chambers.

"Nouvelle Orleans, 13 Janvier 1804.

Le Prefet Colonial, commre du Governement Francaise
A. Monsieur William Miller:

Vous trouverez jointe à cette lettre, Monsieur, 1nt, celle que j'ai écrite ce même jour à M. Edmond Meullion, commandant pour le Roi d'espagne au Poste des Rapides, et 2nt, l'ordre que Messieurs de Salcedo et Marquis de Casa Calvo, Commissaires de S. M. C., lui donnent de remettre le commandement du poste et ses archives à l'officier ou agent que je désignerai: ils y ajoutent qu'il sera en même temps procédé aux inventaires et évaluations des Édifices appartenant sur les lieux à S. M. C. Par ces édifices il ne faut pas entendre les fortifications ou autres ouvrages quelconques de défense, mais seulement les bâtiments, tels que maisons, cazernes, hopitaux militaires, magasins, etc.; il y à même à observer que le Terrain faisant déjà partie du Domaine public généralement retrocede par le Traité, le prix de ce terrain ne doit nullement entrer dans celui d'estimation; elle portera uniquement sur les constructions qui en couveront la superficie: je doute qu'il y ait peut-être un seul édifice de cette espèce dans le poste dont vous êtes chargé de prendre possession.

Vous l'êtes doublement, Monsieur, de concert entre moi et Messrs. Claiborne et Wilkinson, Commissaires des États-Unis. Nous sommes en effet convenus ensemble que, pour éviter les détais, les embarras et une dépense inutile, je n'enverrais pas d' officier ou agent Français sur les lieux, et que, de leur aveu, je me ferais représenter, en cette circonstance par l'officier ou agent American charge de la mêne Commission sour les États- Unis. En conséquence, je vous délégue par cette lettre, au nom de la République Française, tous les pouvoirs qui vous sont néccessaires pour recevoir les commandement, poste et Archives de Rapides des mains de M. Meullion qui les tenoit du Governement Espagnol, et les occupe encore, ainsi que pour y procéder aux inventaires et estimations des Édifices Royaux, comme je l'ai déjà expliqué. Je vous autorise, Monsieur, à faire choix pour ces estimations de tous experts qui vous paroitront les plus dignes de votre confidence: je vous y recommande les intérêts de la Réoublique. Je vous serai obligé de M'addresser, soit à moi même, soit au Commissaire Français qui vraisemblalement me remplacera ici après mon départ, et, si vous le voules. par l'entremise même de Mrs. les Commissaires des États-Unis, les procès verbaux et autres écrits que vous aurez été dans le cas de signer en vertu des présens pouvoirs pour cette reprise de possession.

Après l'avoir ainsi obtenue au nom de la France, vous la garderez, Monsieur, au nom des États- Unis, et la tiendrez entièrement à la disposition de votre Gouvernement.
De cette maière finira de s'accomplir successivement l'éxecution du Traité de St. Ildéfonse, en date du 9 Vendemiaire an 9 (ler Octobre 1800) qui a retrocédé ce pays à la République Francaise, et celle du Traité de Paris en date du 10 Floréal XL (30 Avril 1803) par lequel la France la cédé aux États- Unis.
J'ai l'honneur de vous saluer.

Laussat."

Translation of the foregoing by Mrs. Mary T. Whittington:
To Mr. William Miller:

You will find attached to this letter, sir, 1st the one which I wrote this very day to Mr. Edmond Meullion, Commandant for the King of Spain at the Rapides Post, and 2nd, the Order which Messrs. de Salcedo and the Marquis of Casa Calvo, commissioners of H. C. M., give him to turn over the command of the post and its archives to the officer or agent whom I shall designate.[31] They add to it that he shall proceed at the same time to the inventory and evaluation of the edifices belonging in these parts to H. C. M.

By these edifices we do not mean the fortifications or any works of defense of any sort, but only the buildings such as houses, barracks, military hospitals, storehouses, etc., it is to be observed even that the ground which already forms a part of the public domain generally re-ceded by the treaty, the price of this ground is not to enter into the estimates; it shall bear only upon the constructions which cover the surface; I doubt that there be a single edifice of this sort in the post of which you are ordered to take possession.

You are doubly so, sir, by an understanding between me and Messrs. Claiborne and Wilkinson, commissioners of the United States.

We are in effect agreed that in order to avoid delays, annoyances, and useless expense, I am not to send any French officer or agent to the spot, and that, with their understanding, I am to be represented in that circumstance, by the American officer or agent charged with the same mission for the United States.

In consequence, I delegate to you by this letter, in the name of the French Republic, all the powers which are necessary to you to receive the command, the post, and the archives of Rapides from the hands of Mr. Meullion,

[31] These papers cannot be found at this date.

who held them from the Spanish Government, and who is still in office, as well as to proceed to the inventories and evaluations of the royal edifices, as I have already explained.

I authorize you, sir, to choose for these inventories whatever experts will seem to you to be the most worthy of your confidence, and I recommend to you the interests of the Republic.

I should be obliged to you if you were to address, to me personally, or to the French commissioner who probably will replace me here after my departure, and, if you will, even through the mediation of the commissioners of the United States, the proces verbal and other documents you may have been called to sign in virtue of the present owners for this resumption of possession.

After having thus obtained it in the name of France, you will keep it, sir, in the name of the United States, and you will hold it entirely at the disposal of your government.

In this manner there will be accomplished successively the execution of the Treaty of St. Ildefonse, dated the 9 Vendemaire year 9 (October 1st 1800) which has re-ceded this country to the French Republic, and that of the Treaty of Paris dated 10 Floreal 11 (April 30 1803) by which France ceded it to the United States.

I have the honor of saluting you

Laussat

At the same time Claiborne and Wilkinson addressed a letter and certain instructions to William Miller of Rapides. The instructions have disappeared; the letter was as follows:

"New Orleans Jan. 7. 1804.

Sir,

You will find under the same cover with this, orders for the Evacuation & Surrender of the Post of Rapides which you will proceed to carry into Execution in connection with the officers of Spain with all convenient Dispatch.

You will perceive from the letters included, herewith, that you are to exercise two distinct Functions. 1. as Commissioner & Agent on the part of France you are to demand & receive Possession of the Post & the depending Territory from Spain, 2dly as Agent of the United States you will occupy and hold it on their Behalf. This arrangement has been made by the French Commissioner to save the Expense & Trouble of sending Agents on the Part of his Government to transfer the distant Posts.

By the Treaty between France & Spain the former is to account to the latter for the value of all public buildings

which may be comprised in the Cession. On this subject particular Instructions are given you by the French Commissioner. He has not that we know, made any Provision respecting the Expenses, which possibly may arise in making an Evaluation of their Buildings. It must however be understood that no Expense on that account are to be charged to the United States We have requested by the Commissioner of France to give directions to our Agents to attend particularly to her Interests. We ask of you, therefore, to use your Endeavors that a fair & just valuation be made.

After having completed the Business of the Transfer of the Post and its depending Territories from Spain to France, you will, as Agent on the Part of the United States, deliver the inclosed Commission & Instructions to Mr. Edmond Meullion, the former Spanish Commandant, who has been appointed civil commandant of the said Post, by his Excellency the Governor General of the Province of Louisiana, and to whom you will likewise deliver all the archives, public Records and public property, who will hold the same subject to the Government of the United States.

Accept assurances of our consideration and respect,

William C. C. Claiborne.

James Wilkinson.

William Miller Esqr."

Where the transfer took place is not recorded, or what was done, other than the delivery of the records of the post by Dr. Edmond Meullion, the Spanish Commandant, to William Miller, his son-in-law, who received them for France and then as the representative of the United States, having received the surrender of the post from France and Spain, Miller, again turned the post and its archives over to the former Spanish Commandant Ennemond Meullion, who retained charge of the post until the new government of Louisiana was installed in 1805. The local militia was disbanded and discharged from the service of Spain and the transfer was an accomplished fact.

Governor Claiborne on the 20th of December 1803, issued the following proclamation:

"By his Excellency Wm. C. C. Claiborne, Governor of the Mississippi Territory, Exercising the Powers of Governor General and Intendent of the Province of Louisiana.

Whereas by stipulations between the Government of France and Spain, the latter ceded to the Former the Colony and Province of Louisiana, with the same extent which it had at the date of the above mentioned Treaty in the hands

of Spain, and that it had when France possessed it, and as such as it ought to be after the treaties subsequently entered into between Spain and other States, and whereas the Government of France had ceded the same to the United States by a Treaty duly ratified, and bearing date the 30th of April in the present year, and the possession of said Colony and province is now in the United States, according to the tenor of the last mentioned Treaty; and whereas the Congress of the United States on the 31st day of October in the present year did enact that until the expiration of the Congress then Sitting (unless provisions for the temporary Government of the said Territories be sooner made by Congress) all the Military, Civil and Judicial powers exercised by the then existing Government of the same, shall be vested in such person, or persons, and shall be exercised in such manner as the President of the United States shall direct; for the Maintaining and protecting the Inhabitants of Louisiana in the Free enjoyment of their Liberty property and religion, and the President of the United States has by his Commission, bearing date the same 31st of October invested me with all powers, and charged me with the several duties heretofore, held and exercised by the Governor General and Intendant of the Province.

I have therefore thought fit to issue this my proclamation making known the Premises, and to declare that the Government heretofore exercised over the said Province of Louisiana, as well under the Authority of Spain, as of the French Republic has ceased, and that of the United States of America is established over the Same; that the Inhabitants thereof will be incorporated into the United States, and admitted as soon as possible according to the Principles of the Federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their Liberty, Property and the Religion which they profess; that all Laws and municipal regulations which were in existence at the Cession of the late Government remain in full force, and all Civil Officers charged with their execution, except those whose powers have been specally vested in me, and except also such officers as have been entrusted with the Collection of the Revenue are continued in their Functions during the pleasure of the Governor for the time being, or until provisions shall otherwise be made."[32]

[32] Official Letter Books of W. C. C. Claiborne 1801-1816. Vol. 1. p. 307. Hereafter referred to as Claitorne Letter Books.

The Government of the Territory was provided for by the Act of Congress dated March 26th 1804 and in part is as follows:

"That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line, to commence on the Mississippi River at the thirty third degree of north latitude, and extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans; the government whereof shall be organized and administered as follows:

Sec. 2. The executive power shall be vested in a governor, who shall reside in said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of said territory, shall have power to grant pardons for offences against the said territory, and reprieve for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

Sec. 3. Provided for a Secretary who served as Governor during the absence of the chief executive.

Sec. 4. Provided as follows: The legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who have resided one year at least in the said territory, and hold no office of profit under the territory or the United States. The governor, by and with the advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States or which shall lay any person under restraint, burden, or disability, on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burdened for those of another. The governor shall publish throughout the said territory all the laws which shall be made, and shall from time to time report to the President of the United States to be laid before Congress; which if dis-

approved of by Congress, shall thenceforth be of no force. * * * * * *

Sec. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may from time to time establish. The judges of the superior court and the justices of the peace shall hold their offices for the term of four years. The superior court shall consist of three judges any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars. * * * * In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases criminal and civil, in the superior court, the trial shall be by jury, if either party require it. * * * *"[33]

Under the provisions of this act of Congress, the President named William C. C. Claiborne as Governor of Louisiana and James Brown as Secretary. Thirteen men from New Orleans and the extreme southern part of the territory were named as the members of the council. Why the other parts of the territory were overlooked can not be stated. North Louisiana and the section along the Mississippi was largely populated by men who had formerly lived in the older states of the Union, were familiar with the common law and were also firm advocates of the American form of government. The council was to hold its first meeting on the first Monday in November 1804. Several of the men first selected declined appointment and others were substituted by the governor. It seems that due to the fact that the Christian names were unknown to the President and Secretary of State the commissions were sent to Louisiana in blank and Claiborne took advantage of this fact to insert names of men who would accept the appointment.[34]

This new government provided many unique features as far as the French and Creole were concerned. The trial by jury in civil and criminal cases, the grand jury to find indictments or present people for trial for crimes, and the writ of habeous corpus long known to the people of England and the United States were all new customs of law.

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[33] Thorpe's American Charters, Constitutions and Organic Laws, Vol. 3, p. 1364.

[34] Martin's History of Louisiana, p. 326.

The three judges of the superior court were also named. One died before he could take his offiice, one refused to serve, with the result that the first session of the Superior Court was a one man Court with Judge Prevost as the official presiding.

A quorum of this legislative council having accepted appointment, a meeting was held in December, 1804, that extended over into the next year. Among the acts passed "by the Governor with the advice and consent of the legislative council" was one dividing the territory into twelve counties namely Orleans, German Coast, Acadia, LaFourche, Iberville, Point Coupee, Opelousas, Attakapas, Natchitoches, Rapides, Ouachita and Concordia. The county of Rapides was to contain or *"comprehend the settlements of Rapides, Avoyelles, Catahoula, Bayou Boeuf, Bayou Robert and all other settlements who now or may be made in the vicinity thereof, and which in the opinion of the Superior Court be nearer or more convenient to the Court House or seat of justice of the said county of Rapides than the Court House or seat of justice of any other county."*[35]

It further provided that the governor should appoint one judge for each county and as many justices of the peace as he deemed necessary. The term of office was fixed at four years. This county judge was a justice of the peace, the custodian of land records, an ex-officio notary public, tax collector and some times acted as Sheriff. His jurisdiction was in "civil matters from Fifty Dollars upward and all causes for personal wrongs or injuries to real or personal property, where damages demanded do not exceed One Hundred Dollars." Court was held at least four times each year. The other offices provided for were sheriff, clerk of court, coroner, and treasurer.

Rapides was placed in a Superior Court District together with Natchitoches and Ouachita. This court was supposed to meet at what is now known as Alexandria, empanel a grand jury and try all such cases as came before it. One of the very undemocratic practices provided for by this council was the transferring of all capital cases to New Orleans for trial.

Another provision of the acts of the Legislative Council was

> "That as soon as judges of the county court and justice of the peace shall be appointed, commissioned, and sworn for any of the counties of this territory, that then and from the date such judges and justices of the peace shall be

[35] Acts of 1804, Chapter XXV.

respectively sworn, the office of civil commandant and syndic, in the county for which such judge and justice of the peace shall be respectively appointed, shall cease and become void, and such judges respectively shall be and they are hereby vested with all the powers, and subject to all the duties, which on the thirtieth day of September, in the year of our Lord one thousand eight hundred and four, might lawfully have been exercised by the civil commandants, respectively, or which they were bound to perform in all cases respecting intestacies, proofs of wills, inventories, insolvencies, the taking, authenticating and recording of deeds, conveyances and contracts, and the superintendance of roads and levees, and the police of slaves. And such justices of the peace shall be vested with all the powers and be liable to the same duties in respect to any of the said objects, as were on the said thirtieth of September vested in or performable by the syndics aforesaid; * * * * *"[36]

County judges appointed their own Clerks and for a time the Clerk of the Court of the Superior Court acted as the prosecuting officer.

The Acts of the Legislative Council of the Territory of Orleans having become law, Rapides was given its first officers under the name and title provided by the Act.

On May 3, 1805, Governor Claiborne wrote the following letter to William Miller and enclosed among other commissions the one hereinafter set out:

"New Orleans May 3 1805.

Dear Sir:

In conformity to a law of this territory, it becomes my duty to organize an Inferior Court of Law; and as it is important to society that the office of Judge should be filled by a citizen of talent and integrity, my choice has fallen upon you, and I persuade myself that you will accept the commission herewith forwarded. I am sure that your private concerns may render public employment inconvenient to you, but we are bound to contribute to the good of society with whom we live; and I trust that on this occasion you will not withhold your services. The laws passed by the legislature are now printing in the English and French languages, and as soon as they are completed you shall be furnished with a copy.

"I will thank you to deliver the commissions enclosed to the persons for whom they are intended, and to admin-

[36] Acts 1804-1805, Chap. 44, p. 388.

ister to each officer an oath to support the Constitution of the United States, and also an oath faithfully and diligently to perform the duties of his office. Accept assurances of my respectful consideration.

William C. C. Claiborne.

To William Miller.

P. S. The blank in the commission for administering the oaths of office you will be pleased to fill with the names of some respectable citizens of the county. W. C. C. C.[37]

"William Charles Cole Claiborne, Governor of the Territory of Orleans,
To all who shall see these Presents: Greeting:

Know ye, that placing special trust and confidence in the Integrity, Patriotism and Ability of William Miller, I do appoint him Judge of the County Court of the County of Rapides and do authorize and empower him to execute and fulfill the duties of that office according to law—and to have and to hold the said office, with all the powers, privileges and emoluments, thereto appertaining.

In testimony whereof, I have caused these letters to be made Patent, and the seal of the Territory to be hereunto affixed.

Given under my hand at the City of New Orleans, the 4 day of May in the year of Our Lord 1804 and of the Independence of the United States the 29th.

By the Governor. William C. C. Claiborne.
Secretary

Note:— The erasure in the commission was made by the undersigned. William C. C. Claiborne."

The Louisiana Gazette published in New Orleans of date June 25, 1805 announced that Governor Claiborne had appointed the following men as the officers of the County of Rapides, and that commissions had been forwarded to them. To-wit:—William Miller, Judge of the County Court; Hatch Dent to be Clerk of the Court; Frederick Walther to be Sheriff; Ennemond Meullion, County Treasurer, and Alexander Fulton Coroner.[38]

These men received their commissions and took the oath of office on the 5th day of June, 1805.

In those days the County Judge was a very important individual and the Governor attempted to obtain representative citizens to fill this position, even though they did not have a very

[37] Original of this letter, commission and letter to Miller from Laussat are in the possession of Mrs. William Cabell Bruce of Ruxton P. O., Maryland. Mrs. Bruce is a direct descendant of Meullion and Miller. These papers are being used with her permission.

[38] The files of the Louisiana Gazette, published in New Orleans, are in the archives of the City Hall.

extensive knowledge of law. He did not always succeed in making the right selection no matter how hard he tried.

William Miller was not a lawyer. He was born in Pennsylvania and came to Louisiana as a merchant under the Spanish rule. He was a partner of Alexander Fulton and the two enjoyed an exclusive concession to deal with the Indians of this section. After the Louisiana Purchase, Miller disposed of his interest in the mercantile business to Fulton and retired to his cotton plantation near the present Lecompte, where he lived for a number of years. Later he lived in Kentucky, Ohio and Maryland. While in Kentucky he became interested in the steamboat business, and was interested is some of the early vessels that plied up and down the Mississippi River. He died in Maryland.

Miller served as County Judge until 1807, when he was succeeded by Thomas Dawson, whose commission was dated May 8, 1807. Nothing is known of Dawson, except that he served until 1808 and was succeeded by Major Richard Claiborne.[39]

The Clerk of Court, Hatch Dent, was a native of Maryland who had come to Louisiana while it was yet a Spanish province and had gained certain favorable reputation among the people of this community. After the Purchase, for a time he was a close personal follower of the Governor, who conferred upon him offices, in those days, of trust and profit, being in turn a Major of the State Militia, a Justice of the Peace, and finally Clerk of the Court. In later years there seems to have been some difference between these parties, because Dent resigned all of his positions, broke with the Governor, and became an unrelenting opponent. After the formation of the State in 1812 he was elected by the people as State Senator and served until his death in 1815.[40]

On March 2nd, 1805, Congress adopted an act giving the Territory of Orleans a territorial form of government in keeping with that enjoyed by the other territories, and in part reads as follows:

> "Sec. 1. That the President of the United States be, and he is hereby authorized to establish within the Territory of Orleans a government in all respects similar (except as is herein otherwise provided) to that now exercised in the Mississippi Territory; and shall, in the recess of the Senate, but to be nominated at their next meeting, for their

[39] Louisiana Gazette, May 8th, 1807.

[40] Claiborne's Letter Book, Vol. 6, pp. 210-211.

advise and consent, appoint all the officers necessary therein, in conformity with the ordinance of Congress made on the 13th day of July 1787; and that from and after the establishment of the said government, the inhabitants of the territory of Orleans shall be entitled to and enjoy all the rights, privileges and advantages secured by the said ordinance, and now enjoyed by the people of the Mississippi Territory.

Sec. 2. That so much of the said ordinance of Congress as relates to the organization of a general assembly, and prescribes the powers thereof, shall, from and after the 4th day of July next, be in force in the said territory of Orleans; and in order to carry the same into operation, the governor of the said territory shall cause to be elected twenty five representatives, for which purpose he shall lay off the territory into convenient election-districts, on or before the first Monday of October next, and give due notice thereof throughout the same; and shall appoint the most convenient time and place within each of said districts, for holding the election; and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected. All subsequent elections shall be regulated by the legislature; and the number of representatives shall be determined, and apportionment made, in the manner prescribed by the said ordinance.

Sec. 3. That the representatives to be chosen as aforesaid shall be convened by the governor in the city of Orleans, on the first Monday in November next; and the first general assembly shall be convened by the governor as soon as may be convenient, at the city of Orleans, after the members of the legislative council shall be appointed and commissioned; and, the general assembly shall meet at least once in every year, and such meeting shall be on the 1st Monday in December, annually, unless they shall, by law appoint a different day. Neither house, during the session, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two branches are sitting."

The other sections of this act do not interest us at this date with the exception of the 7th which provided the manner in which a Constitution of the state could be adopted.

Under this act the territory was given an elective legislature composed of twenty-five members elected by the people of the various counties. Under the allotment of members to each county, Rapides was entitled to one member. This was the Ninth Electoral District. The other branch of the Legislature was created

under the provisions of the Northwest Ordinance of 1787 which provided for a council of five members who acted in a similar capacity to our present State Senate. This council was appointed by the President. The names of 10 men were selected by the legislature and forwarded to the President. From these 10 names a council of five was selected.

A proclamation was issued by the Governor on July 30, 1805, directed to the County Judge, Clerk of Court and Sheriff of the various districts, commanding them to hold an election for members of Legislature; said election to be held on the third Monday of September next at the usual place for holding court in these counties.[41] This was the first election ever held in what is now Rapides parish. In the early days of the State, the election was held at the Court House of each county or parish and usually extended over a period of three days. A voter could cast his vote on any one of these days. The polls were open from 10 A. M. to 3 P. M. each day. The ballot box had three locks, each commissioner having a key to one of the locks. The box could not be opened unless all commissioners were present with their keys. The county judge presided over the election. Later other precincts or voting places were provided and the Justices of the Peace of the neighborhood were the presiding commissioners.

Alexander Fulton was a native of Pennsylvania, the partner of Miller in the mercantile business and later his successor, a large land owner and a planter. He was elected to the position of Legislator and served until his death just prior to Louisiana being admitted to the Union. In 1807 the population of the parish was found to be sufficient to entitle it to another member of the Legislature and this was conferred upon John Burney, who served in the Legislature from 1808 to 1810.

The legislature for the year 1807 (2nd Session of the First Legislature) divided the Territory into nineteen parishes. Rapides was defined as follows: *"The settlement of Rapides and its former dependencies, shall form the 15th."* The same act created the parish of Avoyelles—a new subdivision—This act provided "That in lieu of the county courts, of Clerks, Sheriffs, coroners, and treasurers of the said counties, there shall be established in each parish of the territory, now existing or to exist hereafter, a judge with civil criminal and police jurisdiction * * * * which judge shall be a landholder in the territory, and shall be named and commissioned by the Governor for the term of four years."[42]

[41] Louisiana Gazette, July 30, 1805.

[42] Acts of the Territorial Legislature (Territory of Orleans), 2nd Session, 1st Legislature, 1807, p. 1.

There was a sheriff for each Superior Court District and the Superior Court named a clerk for the same territory. The fourth Superior Court district was composed of the parishes of Ouachita, Rapides and Natchitoches. Court was held on the 3rd Monday of March and September of each year at "the seat of justice established in and for the county of Rapides." The bond of the sheriff was fixed at $10,000.00.

The judge of the parish did not have any criminal jurisdiction on the free persons of his parish, except as to disputes originally brought before him for offensive words either verbal, written or printed, or for assult and battery.

The bond of the parish judge was from 5 to 10 thousand dollars. They received fees for their services.

In 1808 Major Richard Claiborne was appointed by the Governor as the Parish Judge for this parish to serve for a period of four years; Garrett Rison was commissioned as Sheriff and Thomas Scott as Clerk of the Court.

Major Richard Claiborne was born in Virginia, a distant relative of the Governor of Louisiana whom he had followed to the Mississippi territory and thence to Louisiana. For a time, Major Claiborne was the Governor's Secretary; then he was made Clerk of the Court in New Orleans, and later he was made County Judge of this Parish. He was not popular with the people of this section and in fact, asked to be given the Judgeship in Concordia, which was refused by the Governor. In 1808 or 1809 he was indicted by the Grand Jury of the Superior Court holding sessions in and for the Parish of Rapides. He was charged with extortion and malfeasance in office. Some compromise was made of the matter, because he completed his term of office which expired in 1812, after the state became a member of the Union. As Parish Judge he was also the Tax Collector, and from the records in the acts of the Legislature we find he was a defaulter in the sum of $1061.73, which the bondsmen in time were compelled to pay.[43] After leaving this Parish, Claiborne went to New Orleans and opened an office as an attorney at law, where he was last heard of in 1818. In 1816 he was a candidate for the position of United States Marshal of Alabama.

The first Grand Jury ever to be held in this section of the country was impaneled on the third Monday of September, 1807. The foreman was William Miller and their report was published in the *Louisiana Gazette* of October 20, 1807.

[43] Letter Books of Claiborne, Vol. 4 and 6. Acts of the Legislature, 1807.

In 1806 when Spain was disputing with the United States the question of the location of the western boundary of Louisiana, and Wilkinson was asking the Viceroy of Mexico to pay him a sum of money to protect the Spanish territory from invasion by Aaron Burr and his followers, Wilkinson had his headquarters at Natchitoches, and Governor Claiborne made a trip to that point to meet him. The State militia and the militia from Mississippi had been mustered and ordered to repair to Natchitoches in response to the plea of Wilkinson to help repel the supposed invasion of the Spanish troops from Texas. The Governor asked for 250 men from the parishes of Rapides and Natchitoches to assist in this work and was promptly assured that this district could and would furnish 1000 armed and mounted men; men that were not familiar with military usages and customs, but who were thoroughly familiar with the country which they were to occupy and each and every one a true marksman and further, were willing to serve. Josiah S. Johnston was named as Lieutenant Colonel in command of these troops; Hatch Dent was a Major & Balentine Lassard was a captain. The other officers were all of the English speaking race. The Governor made his headquarters at the rapids on Red River at the home of Colonel Alexander Fulton, and there the conference between the Governor and Wilkinson was held from September 19th to September 22nd, 1806. Claiborne having convinced himself there was no immediate danger, journeyed on to Opelousas and Wilkinson returned to Natchitoches.[44]

It was at this time that the famous neutral territory, extending from the Sabine River on the West and the Aroyo Hondo, the Devil Swamp, from the Calcasieu River to the Gulf on the East, was agreed upon. This territory included all of that part of Rapides, west of the Calcasieu River. In this strip of country no troops of the United States or Spain were permitted to enter and the question of its ownership was left to future negotiations between the two governments. The results of this agreement was that the territory became the home of the outlaws and bandits, who preyed upon both nations and were free from being required to render an account of their misdeeds. It was truly a "no man's land."

The year 1810 brought the election of Josiah Johnston as a member of the Legislature to succeed Fulton. It was the beginning of a long political career that ended only with his death in 1833.

[44] Claiborne's Letter Books, Vol. IV, pp. 8-14.

On the 10th day of April, 1810, Benjamin Stokes issued the first number of his newspaper, the Louisiana Planter, bearing a date line of Alexandria, O. T. This was the first newspaper printed in Central Louisiana. The length of its life is unknown, and as far as can be learned but two copies survived the ravages of time. One is in the possession of the New York Historical Society in New York City and the other belongs to the author. This last copy was dated March 27, 1811, and the paper was then under the editorship of R. C. Langdon.

In 1811 Rapides was given another member of the Legislature, making three in all. This office fell to Thomas F. Olliver, who came from that part of the parish that was later given the name of Avoyelles. A few of the early officers that can be named are the Justices of the Peace, Hatch Dent and Isaac McNutt, who were residents of the Alexandria community, while Heritage Howerton was a resident of the western part of the parish along the Calcasieu. Thomas C. Scott was named as the Clerk of the Court of the Fourth Superior Court District, which was composed of Rapides, Ouachita and Natchitoches Parishes. He resigned in 1812 to become a member of the Legislature. The Governor had other plans for the filling of this position of Legislator and thinking that Scott thought more of the position of Clerk of the Court than he did of the position as a member of the Legislature, he advised him that he could not hold both offices and that if he became a Legislator he must resign as Clerk.[45] Scott saw fit to resign as Clerk. The Sheriff of this parish was R. Sackett.

The first census made by the United States, of Louisiana, was in 1810. The population of this section was given as 2200 white people. The principal settlement was along Red River, Bayou Rapides, Boeuf and Roberts. A few found their way into the western part of the parish in the hammocks and along the banks of Calcasieu river. Between 1805 and 1810 there was a tide of emigration that moved from what is now Wilkinson County, Mississippi, to the southern part of this parish around what is known as Cheneyville. This town was platted by one of these emigrants, who gave his name to the town. These people had moved from South Carolina near Buford, tarried for a while around Woodville and finally found their permanent home in this parish. Among the names that you find most prominent are the Cheneys, Staffords, Roberts, Tanners, Turnbulls, Jacksons, Olli-

[45] Claiborne's Letter Books, Vol. V, pp. 399-400.

phants, Fords and later Kilpatrick. Others in time followed them and found their homes in the section between the Indian land sold to Miller and Fulton and the southern boundary of the Parish. They were all Protestants, (Methodists and Baptists,) and in a short time churches of these denominations came into being. In fact, the first Baptist church in Rapides and the second west of the Mississippi was located at or near the town of Cheneyville on Bayou Boeuf and was called Beulah. Later a Methodist church was established and then the Christian church. These people and their descendents were destined to exert a decided influence upon the future history of this parish. That section was a noted agricultural district and large mercantile establishments flourished in the little town.

At one time there was a movement to divide Rapides into two parishes with Cheneyville as a new Court House town, and the movement went to such a length that the parish was given two police juries, one meeting at Alexandria and the other at Cheneyville, but after a trial of two years it was abandoned.[48]

The farm products from that territory were shipped down Bayou Boeuf and thence to the Atchafalaya and on to market, or hauled overland and to Red River where they were received by the boats and carried to New Orleans and the return cargo followed the same route.

The Parish Judge was, by virtue of his office, a Notary Public with his office in the Court House in Alexandria. It was his duty to keep all of the records of Sales and Mortgages. For a time he was the only notary in the parish, but the extent of the business in the southern part of the parish, together with the distance that had to be traveled by a person going from Cheneyville to Alexandria, was such that a demand was made for a Notary to be appointed in that section. In 1819 the Legislature created the office of Notary to be located in Cheneyville. He was dispensed from keeping his office in a brick building as the Parish Judge was required. This was the first Notary in the parish for as we have said, the Parish Judge was an ex-officio Notary, or Notary by virtue of the office he held.

[48] Acts of the Legislature, 1823, p. 54, and Acts of 1825, p. 108.

(To be continued)

HISTORY OF THE AMERICAN PARTY IN LOUISIANA

By W. DARRELL OVERDYKE, A. B.,
Shreveport, La.

THIRD INSTALLMENT
(Continued from January, 1933)

CHAPTER III

THE STATE CAMPAIGN OF 1856

THE FRAUDS in the fall elections of 1853 led to the organization of a reform party in the winter of 1854, which took the name of the American Party after the March election in New Orleans.[1] The time and place of the formation of the American or Know Nothing Party has been shrouded in mystery, as has been its internal organization and ritual. However, as early as January 3, 1854, an opposition paper, the Alexandria *Louisiana Democrat*, rejoiced in the victory of an "Anti-Know Nothing" ticket: "Thus it will be seen that here in Alexandria, the stronghold of Know-Nothingism, it has been beaten."[2]

The party was probably[3] formed late in the fall of 1853 and the early months of 1854.[4] By July it had strong organizations in Iberville, West Baton Rouge, East Baton Rouge, Franklin, St. Mary, St. Landry, Orleans, St. Bernard, and Plaquemines parishes.[5] Newly organized councils, or wigwams, existed in practically all the other sections of the state. Many editors of old Whig papers took an active interest in organizing the new party.[6] As one editor said, the Whigs had been dead in his parish since 1851 and if he found no other party or issue to support, he would sink.[7]

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[1] The Executive Committee of the American Party issued a statement nearly three years later asserting this.—*New Orleans Daily Crescent*, Sept. 7-14, 1857.

[2] *Louisiana Democrat*, Jan. 3, 1854.

[3] *New Orleans Daily Crescent*, June 4, 1859; *Opelousas Courier*, Aug. 25, 1855.

[4] Gayarre said he joined this party in February, 1854.—Charles Gayarre, *Address on the State of Political Parties in Louisiana, passim; Opelousas Courier*, Oct. 6, 1855.

[5] *Sugar Planter*, July 10, 1858; *Opelousas Courier*, Aug. 25, 1855; *Capitolian Vis A Vis*, March 7, 1854; *New Orleans Daily Crescent*, March 23, 1854; *Southern Sentinel*, Aug. 6, 1854.

[6] The editors of the *Crescent* at first refused to actually join until secrecy was abolished. They favored all its doctrines and were regarded as the official organ.—*New Orleans Daily Crescent*, March 6, 1854.

[7] *Southern Sentinel*, Aug. 6, 1854.

At first no one would actually acknowledge his membership. The newspapers that favored the movement would say, "we hear," "we are told," or "it is rumored," that "the mysterious personage 'Sam' has been recently in our midst," or, "Democratic organs are looking downhearted at the numerous accessions to 'Sam's' councils." They published various skits of mock rituals and discussions of national Know Nothing movements.[8]

On January 9, 1854, New Orleans was covered with handbills printed in English, French, German, and Italian, directed against the Papal Nuncio Bedini, who planned to come to that city. These handbills advised the lynching of "the renegade, the monster Bedini! the assassin of Bologna! the hangman of Ugo Bassi." Though the newspapers of the state unanimously condemned these, the seventy-five thousand Catholics living in New Orleans felt aggrieved. This proposed violence was only a forerunner of the actual disturbances in the March municipal elections.

The conditions in New Orleans were such that a reform movement was badly needed.[11] A Grand Jury report showed that many prisoners on the court dockets were not in jail when released on bond, or released by order of political bosses and reported "lost." Further, many bonds had been given for serious charges not bailable by law, and accepted when the security was known to be worthless.[12] The naturalization frauds had been continued and the foreign born citizens controlled the city.[13] It was a bitter dose for many who resented "that a populous

[8] The following extract was used all over the United States and published in several Louisiana papers. It was typical of early Know Nothing propaganda. " 'The Know Nothing' is the name of a new book that has just been published. It is a story without a preface, introduction, table of contents, page or chapter headings, or anything to indicate its character, or subject, except the ominous 'Know Nothing'. Large editions, one after another, will probably disappear without anybody's knowledge."—*Capitolian Vis A Vis*, March 28, 1854; Baton Rouge *Weekly Comet*, June 21, 1854; *Brand, loc. cit.*, no. II, p. 181; another typical skit ran, "Dreadful Malady.—A new disorder called Know Nothingism has recently appeared in the North, and is rapidly spreading over the length and breadth of this vast continent. Its origin is not precisely known; but is supposed to have engendered in the foulness and corruptions of party politicians. Political doctors stand aghast; not knowing where the next blow may fall, or the remedy. We regret to learn that our friend of the (Baton Rouge) Advocate has been taken with this terrible malady, and now lies in a precarious situation."—*Little Joker*, July 4, 1854 (*Capitolian Vis A Vis*).

[11] Baton Rouge *Weekly Comet*, Jan. 15, 1854.

[12] *New Orleans Daily Crescent*, March 25, 1854.

[13] "It is well known", said a political observer of that day, "that under the system of grog-shop caucuses a set of very low and disreputable characters, and, what is worse, of very reckless demagogues, have acquired a political ascendency in this city, which has given great disgust and offence to the respectable citizens who have been virtually driven from the primary assemblages and have been compelled under the ban of outlawry to vote for such persons as those caucuses might select."—*New Orleans Daily Crescent*, March 30, 1854, quoting the *Daily Delta*, March 29, 1854.

and strong nation should, on its own soil, be governed by a comparative handful of foreigners, ignorant of its laws yet claiming to administer them, and seizing upon office while yet hardly speaking its language. Can this be just? Ought it to be borne? . . . . Are we inferior to even the most uneducated class of the two nations that chiefly lord it over us—the Irish and the Germans? . . . The Germans and Italians are quieter and only raise a riot now and then: but the Irish are forever kicking up rows and breaking heads, getting up mobs, making our elections scenes of violence and fraud, turning . . . the right of suffrage into . . . . a hells holiday of drunkenness and perjury and bludgeons . . . We speak warmly. How can we forbear? Who does not know that the abuses we are now complaining of have become intolerable.[14]

The reform forces in New Orleans organized in March, 1854, as an "Independent Party" and nominated candidates for all the city offices. Their members were made up of Whigs and Democrats, the Whigs predominating.[15] It was undoubtedly a "Know Nothing" trick as the Democratic papers averred.[16]

The registry law which had finally been passed was almost worthless, as non-compliance was no bar to voting.[17] The Democrats organized the Irish into bands and marched them to the polls where hand picked Irish Democratic inspectors and election officials permitted them to vote without question. These foreign election officials corruptly disregarded repeated plural votings over the protests of "Independent" challengers, and bloody clashes followed. The Irish led by several policemen got the worst of the rioting and several were killed. Fearing they had lost in spite of repeated frauds, the Democratic commissioners seized control of many of the ballot boxes and proceeded to count the votes. A mob gathered in front of the Seventh ward poll where the "Independent" commissioner was excluded from the counting. When it was heard than an excess of ever 750 votes more than had registered had been countd, the mob seized and destroyed the ballots. In the final count the "Independents" or Know Nothings won control of all branches of the municipal government excepting the mayorality and three Recorderships.[18] The election in the first district for three aldermen was reheld on May 8, with a victory for the "Independents."

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[14] *New Orleans Daily Crescent*, March 21, 1854.
[15] *Ibid.*, March 16, 1854.
[16] Baton Rouge *Weekly Comet*, March 24, 1854, quoting the *Baton Rouge Gazette*.
[17] *Ibid.*, March 24, 1854.
[18] *Ibid.*, March 28, 29, 30, 1854; Baton Rouge *Weekly Comet*, April 2, 1854.

A mass meeting held on April 19 adopted resolutions approving the reform movement and protesting against "dead men" voting. This meeting was not openly a Know Nothing meeting, yet it was a public endorsement of its course.[19] By June its active members numbered several thousands in New Orleans[20] who met in various halls throughout the city. No attempt was made to conceal the time and place of many of the meetings as was common in the northern lodges, although these were closed to non-members by strict secrecy.[21]

In September occured another riot much larger and more bloody. In the lower dives and coffee houses of the city the rougher elements congregated. Under the influence of liquor they believed fanciful stories that the Know Nothings intended to slaughter the Catholics. Arms were distributed, and passions became aroused.[22] On Saturday, Stptember 9, 1854, three respectable citizen passing by a coffee house were greeted by the yell "A hundred dollars for the head of a Know Nothing." After a few insulting remarks about twenty men started firing. The three citizens escaped with minor wounds. The same night Recorder Summers was attacked while he was trying to disband 150 armed men he had found on the street. Before he could be rescued by the police four men were wounded and one was killed.[23] The civil power was utterly paralyzed. The mayor was weak and vacillating. He took few precautions throughout the week of rioting, and inefficiently used the city police and militia[24] to regain order.

Sunday the 20th was comparatively quiet but on the following evening armed bands congregated on St. Mary's Market and Lafayette Square.[25] The mayor went to a large crowd of Irishmen, told them that the other group did not contemplate making any attack and asked them to disperse. Their leader, Captain Cavanaugh, assented but a druggist, Dr. J. J. Meighan, stepped forward armed with a gun and sabre and refused. A report spread that the Know Nothings were marching to destroy Saint Patrick Church. Dr. Meighan led 200 armed Irishmen down Camp Street to defend it. They met a party coming up the street

[19] *New Orleans Daily Crescent*, June 14, 1854; *Capitolian Vis A Vis*, April 19, 1854.
[20] *New Orleans Daily Crescent*, June 20, 1854, quoting *Louisville Times*, June 13, 1854.
[21] Baton Rouge *Weekly Comet*, July 30, 1854.
[22] *Ibid.*, Sept. 17, 1854.
[23] *New Orleans Daily Crescent*, Sept. 12, 1854.
[24] This force was naturally partisan. The first district police force was five-sixths foreign born; 25 were German, 98 Irish, 2 English, and 25 American. The second district had enrolled 27 Germans, 44 Irish, 50 Americans, 20 French, and 27 Spaniards. The other districts were similarly proportioned. For some months control of the police had been a bone of contention between the mayor and council.—*New Orleans Daily Crescent*, April 27, 1854.
[25] *Ibid.*, Sept. 14, 1854.

and fired upon them. A general fight resulted in the death of two men and numbers wounded.[26]

The next night the excitement was still at a high heat. The militia was kept in line until eleven o'clock. Pistol shots having been discharged from a coffee house on Levee Street a mob of a hundred attacked it and chased one innocent man down the street, caught and shot him. Scenes of violence among individuals continued during the remaining five days of the week, and occasionally deaths resulted. The citizens called by the Mayor patrolled the streets and by Monday, September 17, the town was more quiet.[27]

The close of the year found the Know Nothings entrenched in New Orleans and growing in power over the State. A report from the Red River region showed that the "Know Nothings are flourishing in this vicinity and I fear that all of us will Know Nothing about the next election until the day is over."[28] New lodges were established in the Alexandria district.[29] East Baton Rouge parish fell into their control.[30] East Feliciana[31] and Franklin[32] parishes filled vacancies in the Lower House of the legislature with Know Nothings. Donaldsonville, Thibadaux, and Houma had strong organizations,[33] with the ladies forming an auxiliary organization, the "Know Nothings." The Democrats at this time "became sweet on the old line Whigs," and attempted to gather them into their fold.[34]

The municipal election in New Orleans on March 26, 1855, was quiet, as conservatives in both parties, Democratic and Know Nothing, desired reform.[35] The polls were kept open and no violence was permitted.[36] The Democrats won only one office out of thirty-five, which made the local Know Nothing papers rejoice that here was conclusive proof that a Catholic[37] and slave community would support the Know Nothings. The following impersonal account of the victory is typical: "That interesting

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[26] *Ibid.*, Sept. 13, 1854.
[27] *Ibid.*, Sept. 14, 18, 19, 1854.
[28] Baton Rouge *Weekly Comet*, July 30, 1854.
[29] *Red River Republican*, Dec. 2, 1854.
[30] Baton Rouge *Weekly Comet*, Dec. 24, 1854.
[31] This representative had formerly been a "died in the wool" Democrat.—*Ibid.*, Dec. 24, 1854.
[32] Their two representatives had formerly been Whigs.—*Ibid.*, Nov. 2, 1854.
[33] *Capitolian Vis A Vis*, June 21, 1854.
[34] *Southern Sentinel*, Nov. 11, 1854; *National Intelligencer*, Nov. 4, 1854; Cole, *op. cit.*, p. 266.
[35] Baton Rouge *Weekly Comet*, Aug. 30, 1855.
[36] *New Orleans Daily Crescent*, March 27, 1855.
[37] There were thirty churches in New Orleans, of which seventeen were Catholic.—*Louisiana State Register, 1855*, p. 99.

and ubiquitous personage known as Sam, made his appearance yesterday in our midst. His presence . . . .was greeted in almost every quarter of our city with unexampled enthusiam . . . . Sam is decidedly a good-looking fellow. He has a frank, bluff and intelligent countenance strongly indicating a sound head and an honest heart . . . . Opposition to Sam is fruitless; his enemies look at him and shirk away discouraged, humiliated. Yesterday they made a desperate attempt to rally and prevent him from traveling . . . . and thus disable him from going to Virginia."[38]

Louisiana was not represented at the preliminary convention on May 14, 1854, nor at the first Grand Council of the National American Party in June. Like Mississippi, Louisiana maintained an independent secret organization.[39] In November, 1854, a second Grand Council meeting was held at Cincinnati. If Louisiana had representatives at this meeting, no mention was made at the time in the state. C. F. Brand, however, says that members from all states were present.[40] T. R. Whitney, a contemporary authority on the party, stated that in Louisiana "there are two organizations. The first was started early in 1854; this has been repudiated by the National Council as spurious. The second which is recognized as legitimate, was organized in September, 1854."[41]

On June 5, 1855, a National Convention was held in Philadelphia with a Louisiana delegation present. A sharp struggle arose over seating the Louisiana and Massachuetts delegates. In spite of the free-soil tendencies of the Massachuetts delegates, they were admitted. The action taken in regard to Louisiana is not clear.[42] Gayarre who was a delegate stated that one Catholic and five Protestants were sent to test the anti-Catholic qualifications of the organization.[43] Although Gayarre was not admitted as a delegate he made a speech before the convention in which he protested against the religious clause of the constitution "which excluded from political rights a million and a half native citizens

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[38] *Southern Sentinel*, March 31, 1855.

[39] Cole, *op. cit.*, p. 315; Cole, *loc. cit.*, p. 272; Charles Gayarre, *History of Louisiana* (New Orleans, 1903,) vol. IV, pp. 678-679.

[40] Brand, *loc. cit.*, no. I, p. 79.

[41] Whitney, *op. cit.*, pp. 84, 285.

[43] "The difficulty in regard to the Louisiana delegration we do not fully understand. The accounts in the respectable New York and northern papers are confusing. One day one thing is asserted and another day another . . . . It appears there were two sets of delegates from this state. It would seem that one set—the first on hand probably—was admitted to the exclusion of the other. There is a great deal said about the religious bearings of the convention on this subject, but mostly of a vague and undefined character."—*New Orleans Daily Crescent*, June 16, 1855; Fortier, *op. cit.*, pp. 254-255.

[42] *Ibid.*, p. 254-255.

—the Catholics." He said an attempt to eradicate Roman Catholicism was unconstitutional, that though he considered himself a Catholic he laughed at any priest's claim to have jurisdiction over his temporal affairs, and ridiculed the idea of danger from Rome.[44]

Gayarre endeavored to make the ritual more liberal and proposed an amendment to the order's constitution: "Erase the words: 'Roman Catholic wherever they are found and substitute in their place these words: 'and all who, whatever be their religious creed, cannot declare under oath that they acknowledge in these United States of America no other political power than that which is derived from the Federal Constitution and the respective sovereignty of the the states composing the Confederacy."[45]

He then made the following statement, pregnant with meaning: "Should you decree that the constitution of the order must remain as it is, then we are instructed by the unanimous vote of the State council of Louisiana composed of Protestants and Catholics, to declare that they will secede in a body—absolutely secede, and hold no communication with you. Louisiana will take such a course with infinite regret but she cannot compromise away the constitution of the United States. She will not yield a breadth of a hair in relation to the establishment of a religious test. What will be the consequence of her secession? It is my individual opinion that, she will have to define her position. She will not vote for a man who will have pledged himself to all your doctrines. She will either support a Democratic candidate, if he is sound as to the naturalization laws or she will vote for a candidate of her own."[46]

Other authorities state[47] that there were two different sets of delegates[48]—one part Catholic and the other wholly Protestant, and that the Protestants were admitted. A contemporary newspaper[49] stated that the Louisiana delegation was rejected on

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[44] Gayarre's *Address to the General Assembly of the Know Nothing Party*, pp. 1-4. This is a printed pamphlet with no printed date nor title, preserved in the Howard Memorial Library in New Orleans. On the cover a title has been written "Judge Gayarre's Address to the General Assembly of the Know Nothing Party Held in Philadelphia in May, 1854." This is evidently erroneous as there was no national convention of the Know Nothings held in Philadelphia in May, 1854. Other circumstances lead to the belief that the address was delivered in June, 1855.

[45] *Ibid.*, p. 26.

[46] *Ibid.*, pp. 26-28.

[47] *National Intelligencer*, June 9, 1855; *New Orleans Daily Crescent*, June 14, 1855, quoting the *New York Herald;* Brand, *loc. cit.*, no. II, p. 188.

[48] Only four of the delegates are known, C. W. Hardy, a certain Bunce, Charles Gayarre, and a certain Moore.

[49] *National Intelligencer*, June 14, 1855.

account of irregularity of organization but not on account of the Catholic member or the question of Papal authority.

The Louisiana delegation had no member[50] on the platform committee, though Mississippi whose organization known as the "Stars and Stripes" had just been admitted did.[51] This committee on platform made a minority and majority report. The majority report denied the power of congress to abolish slavery in the District of Columbia and in the territories, and demanded that the country should respect existing laws on this subject.[52] Thirteen northern states withdrew when this report was adopted.[53] The Massachusetts delegation partly based its withdrawal upon Louisiana's attempt to enter. It adopted the following resolution: "That action of a portion of the south, in attempting to send papists into the late council at Philadelphia affords grounds for suspicion that they have other and ulterior objects in view, which they seek to strengthen by an alliance with the American Party."[54]

The Know Nothings in Louisiana counseled deliberate action,[55] though the religious test was almost spontaneously rejected. The *New Orleans Bee* said,[56] "The platform of the American Convention . . . is perfectly sound and satisfactory, with one fatal and insurmountable exception. The religious test will be repudiated not alone by the Americans of Louisiana, but by honest citizens everywhere." In fact many regarded the Catholic test in the platform as sufficient cause to withdraw from all connection with the party. "Mixing up religious matter with politics," they said, "is a poison too deadly ever to fail in its effects . . . . Religious intolerence manifested by a political party is the greatest curse that can befall any country . . . . We therefore, can no longer act with a party which finds it necessary or expedient to mix religious with political matters, in any form."

On July 4, 1855, the State Council met in New Orleans to consider the proceedings of the National Council.[57] It was thought before the meeting that an entirely independent course would be taken,[58] but the committee on platform did not recommend a

[50] *Ibid.*, June 12, 14, 1855.
[51] *Ibid.*, June 14, 1855.
[52] *Ibid.*, June 14, 1855; Brand, *loc. cit.*, p. 189.
[53] *Harpers New Monthly Magazine*, vol. XI, pp. 398-399 (July, 1855); *National Intelligencer*, June 14, 16, 1855.
[54] *National Intelligencer*, July 3, 1855.
[55] *Southern Sentinel*, June 30, 1855; *New Orleans Daily Crescent*, June 16, 1855.
[56] *Southern Sentinel*, June 30, 1855, quoting the *New Orleans Bee*.
[57] Gayarre's account differs from this. He says that action was taken by a mass meeting in New Orleans.—Gayarre, *op. cit.*, pp. 678-679.
[58] *National Intelligencer*, June 30, 1855.

separation from the National Council.[59] The platform devoted six out of ten planks to the questions of naturalization, immigration, corruption in politics, and control of office by the American born. It discussed protection of American rights abroad, expressed love for the Union, and favored non-intervention in the slavery question by the Federal Government. The ninth resolution repudiated the principles of the National Platform that were directed against Catholicism:[60] "While we approve of the platform adopted by the late National Council of the American Party at Philadelphia, we reject the application of the principles of the eighth article to the American Catholics as unjust, unfounded, and entirely unworthy of our country. We shall forever continue to protest against any abridgement of religious liberty, holding it as a cardinal maxim that religious faith is a question between each individual and his God. We utterly condemn any attempt to make religious belief a test for political office and can never affiliate with any party which holds sentiments not in accordance with these."[61]

After the adoption of the platform the Convention nominated a state ticket.[62] Col. William Christy was considered for governor but he had been too closely associated with the old nativistic movement.[63] Charles Derbigny of Rapides parish was nominated for that office. After three years in the Louisiana House he entered the State Senate in 1823 and served for sixteen consecutive years. He then retired after refusing a seat on the supreme court bench. In 1841 he returned to the Lower House for one term. With the exception of his negligible nomination for the governorship by the Native American party he had remained in private life until 1855. He was a creole and a professed Catholic.[64]

Louis Texada was nominated for lieutenant governor. He was a university educated planter with only a few years of legislative experience, but prominent in the northern parishes of the state.

Randell Hunt, candidate for Attorney General, had almost been forced to leave Charleston in 1833 for his Union stand in in the Legislature during the nullification crisis. In Louisiana he had soon become one of the leading lawyers of the state. Clay had wished Fillmore to appoint him Attorney General of the

[59] *Ibid.*, July 14, 1855, quoting the *New Orleans Bee*, July 7, 1855.
[60] See Appendix A.
[61] *Ibid.*
[62] *Ibid.*
[63] *New Orleans Daily Crescent*, May 24, 1855.
[64] *Ibid.*, June 7 ff., 1855.

United States. As a member of the Know Nothing party Hunt was in great demand for his oratorical ability, not only in the state but throughout the South. Lincoln considered him for a cabinet position and he played an important part in the reconstruction history of Louisiana.[65]

The course of the party did not run smoothly even after the vexatious question of national affiliation was thought to be solved. Early in July, E. B. Bartlett, "President of the National Council of the United States of North America," published a card[66] in the New Orleans papers revoking "a certain dispensation granted to C. W. Hardy and —— (sic) Perry, of New Orleans, Louisiana, whereby they or either of them were empowered to establish subordinate councils and a state council in the State of Louisiana aforesaid." No one knew who "—— Perry" was, although it was well know that Hardy was seeking to organize what became known as the "blue-book"[67] or "blue-light" Know Nothings upon a sectarian, bigoted, and fanatical anti-Catholic ritual.

The party papers[68] refused to recognize Hardy and belittled his efforts. Hardy then rushed into print with his troubles. The opposition papers seized upon his articles and published them widely, for it was said they represented the true anti-Catholic beliefs of the Know Nothings and were also indicative of schism and weakness in the party.[69] It was in fact only in opposition papers that he could get a hearing.[70] Hardy issued a long address[71] saying that when he had been requested as the corresponding secretary of the American Councils of Louisiana to publish a series of resolutions passed by Washington Council No. 1, Jefferson Council No. II, and Orleans Council No. III, condemnatory

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[65] W. H. Hunt, *Selected Arguments, of Randell Hunt* (New Orleans, 1896), preface, *passim*.

[66] *Ibid.*, July 2, 1855.

[67] Gayarre had said in the convention in June, "Brothers, the constitution of the order which proscribes not only Catholics but also Protestants who married Catholic wives, and which goes even so far as to strike at the Protestant children of Catholic parents, is already known in Louisiana under the name of 'Blue Book'. A suitable appellation indeed; Beware brothers, beware!"—Gayarre, *Address to the General Assembly of the Know Nothing Party Held in Philadelphia, May, 1854*, p. 32.

[68] The papers favoring the Know Nothings during the state campaign were: *New Orleans Daily Crescent; New Orleans Bee; Exponent*, New Orleans; *Creole*, New Orleans; *Saint Francisville Chronicle;* Baton Rouge *Weekly Comet; Baton Rouge Gazette; Capitolian Vis A Vis*, West Baton Rouge; *Southern Sentinel*, Plaquemine; *L'Avant Courier*, St. Charles; *American Patriot*, Clinton; *Thibodaux Minerva; Farmerville Enquirer; Homer Advocate; Opelousas Patriot; Shreveport Southwestern; Minden Herald; Bayou Sara Ledger; Carrollton Star;* and *Red River Republican*, Alexandria.

[69] *Opelousas Courier*, Aug. 11, Oct. 6, 21, 27, 1855.

[70] The Baton Rouge *Weekly Comet*, Oct. 14, 1855, asked if the Democratic papers were really Know Nothing papers in disguise.

[71] *Opelousas Courier*, Sept. 11, 1855.

of the action of the State Council in repudiating the Eighth Article of the National Platform, he was "refused space by the *Crescent, Picayune, Delta,* and *Exponent.*" Hardy claimed to be the true representative of the party, and bitterly denied that the withdrawal of authority by Bartlett was genuine. He strongly resented being called a "Blue Bookman," and said his party drew its power from the parent fountain and used a ritual in strict conformity with national principles of hostility to foreign domination and papish interference and "would not crouch or lick the hands of the Janus faces of Rome or fawn upon Jesuits."[72] Hardy regarded members of the state order as secessionists and untrue to what he considered the vital principle of Know Nothingism—hostility toward "Jesuitical influence."

This faction had a few adherents in the Protestant part of the state—the northern parishes. The council at Sparta, in Bienville parish, endorsed the whole National Platform and denounced the action[73] of the State Council in nullifying the 8th Article. This furnished the Democrats with a good campaign cry of "religious discrimination." Regardless of the fact that this represented only dozens out of thousands they often quoted these resolutions.[74]

In July Hardy and his few adherents met in New Orleans[75] and nominated a "National American Ticket."[76] The nominees for Attorney General, Supt. of Education, Auditor, and Lieutenant-Governor were the same as those of the regular ticket. John Ray, whom they nominated for the governorship, promptly and indignantly declined as did the others who refused to leave the regular's ranks.[77] Hardy could make no progress with his party which broke up in November for lack of support, and as it was

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[72] *Ibid.*, Oct. 27, 1855.

[73] The resolutions they adopted read, "*Whereas,* The State Wigwam of Louisiana has repudiated the VIII Article of the National Platform and violated the fundamental principles of the American Party. *Resolved,* That in this action the State Wigwam has exceeded its legitimate powers, and violated one of the fundamental principles of the American Party. *Resolved,* That in so doing the State Wigwam has dissolved the connection with the American Party of the Union; and that we do not consider ourselves bound by or responsible for the acts, past or future, of the State Wigwam. *Resolved,* That the whole of the National Platform meets with our unqualified approbation, and will command our heartiest support. *Resolved,* That we take immediate steps for a state organization in connection with the national party, and cordially invite all who agree with us to co-operate with us in maintaining the National Party in Louisiana."—*New Orleans Daily Crescent,* Aug. 4, 1855.

[74] *Opelousas Courier,* Oct. 13, 27, etc., 1855.

[75] Baton Rouge *Weekly Comet,* Oct. 7, 1855; *Opelousas Patriot,* Oct. 6, 1855; *New Orleans Daily Crescent,* Oct. 10, 1855.

[76] *New Orleans Daily Crescent,* Sept. 29, 1855.

[77] *Ibid.,* Oct. 13, 1855; *Opelousas Patriot,* Oct. 27, 1855; Baton Rouge *Weekly Comet,* Oct. 21, 1855.

maliciously rumored, through financial corruptions.[78] Its ticket recieved no votes in the final election.

The state campaign was conducted with vigor. Both the Democrats and the Americans attempted to sway public opinion through the press. The Democrats charged—the Americans denied. One of the most harped upon and harmful charges was that the Know Nothings were antagonistic towards Catholicism. Long articles, communications, letters, editorials, speeches and innuendos were published in the Democratic papers[79] asserting that the party planned the overthrow of the Catholic religion; that it did not and would not support a Catholic candidate for office.[80] They told their readers that no true Catholic could support its program, and that those members in Louisiana who denied these charges did so only to get the Catholic vote,[81] and that in their hearts they believed in subordinating the Catholic citizens politically.[82] The Americans realized that the Catholics more than held the balance of power in the state and used all means to correct this erroneous or rather willfully misconstrued interpretation of their beliefs. They declared emphatically early in the formative period of the party that they held religious toleration to be one of the bases of American government, and repeatedly re-affirmed this[83] in statements such as the following: "The American party has been charged with holding opinions antagonistical to religious liberty. None but those who are so prejudiced that they will not read our principles, or those who are so blinded to their own bigoted notions, but do not know that this is not true, for we have published our opinion, and that of

[78] *New Orleans Daily Crescent*, Nov. 3, 1855; *Ibid.*, Aug. 8, 1855, quoting the *Thibodaux Minerva*, Aug. 4, 1855.

[79] *Louisiana Democrat*, Jan. 2, 1854; *Opelousas Courier*, March 3, 10, 17, 24, 31, July 4, Aug. 11, 1855; *Ibid.*, March 31, 1855, quoting the *Vermillion Echo*, and the *Lafayette Echo*; *Ibid.*, Aug. 25, 1855, quoting the *Louisiana Courier*; *Ibid.*, Sept. 10, 1855, quoting the *Deutsche Zeitung*; *New Orleans Daily Crescent*, March 9, 1855, quoting the *Louisiana Courier*, Sept. 8, 1855.

[80] This assertion was made in spite of the fact that Charles Derbigny the American nominee for Governor was undobtedly a Catholic, as had been his parents and was his own wife and family. Duralde the nominee for State Treasurer was a Catholic as were many other of the American nominees for the legislature, parish and municipal offices. It was claimed in the southern part of the state that Louis Texada was a Catholic, but this was doubtful.—*Opelousas Patriot*, Oct. 6, 13, 1855; *New Orleans Daily Crescent*, July 2, Aug. 4, 6, Oct. 25, Nov. 1, 1855; *Opelousas Courier*, Oct. 6, 1855, quoting the *New Orleans Bee*; *Southern Sentinel*, Sept. 8, 1855; *Sugar Planter*, July 11, 1857.

[81] *Opelousas Courier*, Aug. 11, 1855.

[82] Even the Methodist Church was accused of entering the list against the Catholics by devoting part of a yearly conference to initiating their circuit riders and the professors of Centenary College into the Know Nothing order, thus allying "themselves with bigotry, intolerance and proscription."—*Opelousas Courier*, March 24, 1855.

[83] Baton Rouge *Weekly Comet*, Dec. 11, 1853, May 21, Nov. 21, Nov. 12, 1854; *Capitolian Vis A Vis*, May 3, 24, 1854; *New Orleans Daily Crescent*, July 2, 11, Oct. 4, 1855; *Opelousas Patriot*, Sept. 30, 1855; *Southern Sentinel*, March 17, May 5, 1855.

others, from time to time denying the charge, and here give them a place again. We hold that any sect or party which believes and maintains that any foreign power, religious or political, (which) has the right to direct the conduct of freemen, occupies a position which is totally at war with the principles of the American party. Anyone holding such principles be he Protestant or Roman Catholic, will never receive our support."[84]

The Democratic papers often quoted the more radical American papers in the North, such as the *American Organ* of Washington, D. C., the the *American Crusader of Boston*, the *New York Tribune*, and others, as proof that the National Know Nothing party and therefore the Louisiana Know Nothings, were proscriptive and anti-slavery in belief. The Americans replied[85] that these organs were not official, that they denounced all connection with such views and asked the Democrats if they recognized abolitionist Democratic papers of the North as expressive of their views.

The American party as a national organization attempted to straddle the question of slavery by ignoring it, for its danger was apparent when the June platform was drafted.[86] In Louisiana the party showed by its oral expressions as well as by its membership among the old wealthy slave-owning Whig planters that it was southern in its views on slavery.[87] Such resolutions as the following were passed to make its principles plain:

> "*Resolved*, That the provisions of the Constitution and the laws made in pursuance thereof, should be faithfully maintained and executed in a fraternal and national spirit, free from all sectional and unloyal prejudices. . . .
>
> "*Resolved*, That while we are determined at all times to uphold and enforce our constitutional rights on the subject of slavery, we are not without some reliance in the good sense and patriotism of our Northern brethren, and we hope that the true conservatives among them, will, of themselves annul and rebuke the vain and unconstitutional efforts of nullifiers and abolitionists to oppose and overthrow the federal law and to disturb the harmony of the Union. . . .

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[84] *New Orleans Daily Crescent*, Oct. 4, 1855, quoting the *Farmerville Enquirer*.—This paper was claimed by newspapers in the southern section of the state to be a "Blue Book" paper!

[85] *Capitolian Vis A Vis*, May 24, July 5, 1854.

[86] Lee, *op. cit.*, pp. 220-225; Whitney, *op. cit.*, pp. 289-296.

[87] *New Orleans Daily Crescent*, May 2, 15, 25, April 3, Oct. 3, Sept. 11, 1855; *Southern Sentinel*, May 5, 26, March 17, 24, 1855; Baton Rouge *Weekly Comet*, Jan. 7, 28, 1855.

> "*Resolved*, That we are the friends of religious as well as civil liberty, and that we are opposed to any political proscription for religious faith, either as to the right of voting or holding of office."[88]

Another favorite campaign trick of the Democrats was the publishing of long lists of withdrawals from the Know Nothings;[89] sometimes as many as a hundred names would run several weeks at a time. Many letters were printed giving reasons for withdrawals ranging from the charge that as "Masons"[90] or "Catholics" they could not tolerate "religious proscription," to the fact that the party would not take a stand on the religious question and denounce "Jesuit influence in Louisiana government."[91] Some mentioned slavery; others who had joined for the novelty wished to return to what they thought would be the winning side. Many withdrew because they, like Gayarre, were disappointed because they did not receive political preference.[92]

The Know Nothings answered that many of the names were spurious, that some had never been members, and that others were printed without the knowledge of the men themselves. They admitted at times that a few had withdrawn, but said these withdrawals were far out numbered by new accessions.[93] After nearly every Democratic meeting or speaking tour, the Know Nothing papers would announce that as soon as the Democratic speakers had finished or while the meeting or convention was going on "Sam" would lead a dozen Democrats into the "bushes" and initiate them into the order.[94]

Other arguments[95] such as "Each Know Nothing must take a solemn oath in his Lodge or Wigwam, that he, even as a judge, notwithstanding his official oath, will, in all cases take the part

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[88] *New Orleans Daily Crescent*, July 12, 1855.

[89] *Opelousas Courier*, March 24, 31, Aug. 11, 25, Sept. 29, Oct. 13, 27, *et cetera*; Baton Rouge *Weekly Comet*, Oct. 7, 28, 1855.

[90] Baton Rouge *Weekly Comet*, Aug. 25, 1855.

[91] *Ibid.*, Oct. 27, 1855; *Ibid.*, July 14, 1855, quoting the *Avoyelles Villager*.

[92] Gayarre on resigning said that the American party was made up of Democrats and Whigs who, "retaining their former interpretation of state rights, availed themselves of a happy combination of circumstances when the old issues (which) had divided them disappeared, to join hands and form a coalition." Their intention was to put down incapacity, greediness and corruption in the government. But since there was "but a like repetition of like practices" and "a deplorable renovation" of the "demoralization and system of rewards for political subservency he felt that he should withdraw from the party."—Gayarre, *Address on The State Political Parties in Louisiana, passim; Opelousas Courier*, Oct. 6, 1855.

[93] *New Orleans Daily Crescent*, Aug. 13, 1855.

[94] *Ibid.*, June-Oct., 1855, *passim*; Baton Rouge *Weekly Comet*, June-Oct., 1855, *passim*.

[95] Such appeals as the following were made to the more ignorant. "*Horrible Consequences of Knownothingism in New York*!! Young Fitzgerald killed his father and mother because they were Catholics and wouldn't change their religion. Such are the doctrines carried out and prescribed by the Know Nothings".—*Opelousas Courier*, Oct. 27, 1855.

of a Know Nothing although the latter be in the wrong,"[96] were published and believed. Catholics were told that Mr. A. Oliver, the Know Nothing orator, "in a public speech at Opelousas, had denounced our Saviour as 'a scoundrel and an imposter',—'un polisson et un imposteur'." They were told that the Americans "intended to destroy the Catholic religion, pull down the Catholic Church, and drive Catholics out of the country," and that "their wives would 'no longer be permitted' to go to church, and if they attempted it, they 'would be kicked out'."[97] Some political leaders objected to the party on other grounds. Senator J. P. Benjamin, dreaming of "a great Southern party" and looking forward to the time for his re-election, expressed his views in a letter on August 3, 1855. He said that although four-fifths of the old Whig party had been "seduced" into joining the new "association," (he refused to recognize it as a "party"), he opposed it because it was anti-republican in refusing equal political rights to all American citizens. It was proscriptive in religion and retrogressed to the dark ages in tending toward a union of Church and State. Its issues aroused passion and prejudice and destroyed independent personal judgment. The association he concluded, was not national in scope as was the Democratic party which would ultimately have to organize as a great southern party in defense of southern rights against northern abolitionism, fanaticism and treason.[98]

Only in a few instances did the Americans in Louisiana indirectly criticise the Catholics,[99] and in those cases they claimed that they did not attack Catholicism but a secret political body within the church grasping at temporal powers—the Jesuits.[100] "Intelligent Catholics," said one editor, "understand the difference between Catholicism and Jesuitism. The first is a noble, imposing, sublime and religious creed. The latter a designing scheming and dangerous secret political order, which recognizes no power, law, State or Government on earth or in Heaven, as superior to their grand earthly allegiance."[101]

Thousands of staunch Catholics supported the Americans. A very influential French Creole priest, Adrien Rouquette, went

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[96] *New Orleans Daily Crescent*, Sept. 15, 1855, quoting the *Louisiana Staats*.
[97] *New Orleans Daily Crescent*, Oct. 10, 1855.
[98] *Opelousas Courier*, Aug. 18, 1855.
[99] *Capitolian Vis A Vis*, Sept. 20, 1854, replying to the *Coast Journal*; Baton Rouge *Weekly Comet*, July 9, 1854; *Capitolian Vis A Vis*, July 9, 1854, replying to the *Jackson Democratic Advocate*.
[100] *Southern Sentinel*, Jan. 27, 1854; *Capitolian Vis A Vis*, Sept. 6, 13, 1854.
[101] *Capitolian Vis A Vis*, Sept. 20, 1854.

so far in his support as to publish two pamphlets in French under the pseudonym "Mucius," in defense of the American party. He endorsed Gayarre's stand upon the Catholic test at the National Convention He believed that an American victory in Louisiana would greatly check the national organization on the religious question, while a defeat would permit the national party to become more proscriptive as they would then not consider Louisiana's actions. His arguments were uncompromising. "I don't hesitate to affirm that the American party of Louisiana, if it wins the election, can alone, more than the Democratic party avoid a religious war in the United States."[102] He urged support of "this magnificent national party who can alone save the republic, who can alone save us from the demogogy and the dismemberment of the Union and from the aberrations of socialism, and from the evil policies of civil war and from the cruel horrors of religious fanaticism."[103]

In June Henry A. Wise, the Democratic candidate for Governor of Virginia, defeated the Know Nothing Candidate Flournoy, who had been injudicious in announcing that he would exclude all Roman Catholics from office. As the Americans in Virginia did not hold this belief many refused to support their candidate. The victory of Wise was a great moral blow to Know Nothings all over the South[104] who had taken an active interest in the campaign. In Louisiana his victory was celebrated by mass meetings and parades.[105]

The judicial election in July somewhat checked this exuberance of the Democrats. The American candidate for Chief Justice of the Supreme Court, E. T. Merrick, won by a safe margin. The American papers rejoiced at the unexpected strength shown in the northern parishes.[106]

The confidence of the Know Nothings was further strengthened by victories in parish and municipal elections throughout the state. The campaign cry, "Put none but Americans on guard

[102] "Je n'hésite pas à affirmer que le parti américain, de la Louisiane s'il sort victorieux de la lutte électorale, peut, plus que le parti démocrate, peut même seul, empêcher une querre de religion aux Etats-Unis."—Adrien Rouquette (Mucius), *La Question Americaine* (Nouvelle-Orleans, 1855), pt. II, p. 27.

[103] "ce grand, ce sublime parti national que, puet seul sauver la République, qui peut seul, nous préserver à la fois et des exès de la démagogie, et du démembrement de l'Union, et des aberrations du socialisme, et du mépris de nos institutions primitives, et de la perte de notre individualité glorieuse, et des maux d'une guerre intestine ou étrangère, et des cruelles horreurs du fanatisme religieux!"—*Ibid.*, p 29.

[104] Cole, *op. cit.*, p. 317.

[105] *New Orleans Daily Crescent*, June 2, 1855; *Southern Sentinel*, June 16, 1855.

[106] Baton Rouge *Weekly Comet*, July 15, 1855; *New Orleans Daily Crescent*, July 14, 1855; *Southern Sentinel*, July 7, 14, 1855; *Opelousas Patriot*, July 14, 21, 1855.

tonight!",[107] was heard from Caddo to St. Bernard. In the northern parishes of the state the strength of the party increased.[108] In Farmerville (Union parish) the entire municipal ticket was elected.[109] Morehouse parish elected a representative to the legislature.[110] East Feliciana parish officials were elected as " 'Sam's' nearest and most intimate friends."[111] A Clinton correspondent wrote: "Editor Comet: My Dear Enemy. I deeply regret to inform you that, that sneaking rascal 'SAM' made his appearance among us yesterday and played havoc with all our well laid schemes for election of mayor and aldermen of this city for the ensuing year."[112] Bayou Sara elected its entire American ticket.[113] Thibodaux (La Fourche parish) and Iberville (Iberville parish) elected Know Nothing municipal governments.[114] The wigwam at Coelk had five hundred and fifty-three members and made the "Classic shores of Coelk . . . to reverberate with the war song:

> The devils a liar and a conjerer too,
> Few days, few days
> He's conjered me and he'll conjerer you—
> I'm going home."[115]

The St. Landry Police Jury was controlled by the Americans and so was the town of Washington. The municipal government of Opelousas was about equally divided.[116] So strong were the Americans in this parish that the name "Democratic Ticket" was dropped and "Anti-Know Nothing Ticket" was substituted.[117] In Pointe Coupee, Madison, Avoyelles, Catahoula, Iberia, Vermillion, St. Helena, St. James, Ascension, St. Mary, and Calcasieu parishes the Catholic speakers, Dreux, Oliver, Duralde, Derbigny, Dufour, and Marigny labored to increase the American vote.[118]

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[107] This was the order supposed to have been given by Washington at a critical time when he was afraid to trust the foreign sentinels.—*New Orleans Daily Crescent*, May 29, 1855; *Southern Sentinel*, Nov. 10, 1855, *et cetera*.

[108] *New Orleans Daily Crescent*, April 14, 1855, quoting the *Richmond Journal* (Democratic); Baton Rouge *Weekly Comet*, Aug. 30, 1855, quoting the *Minden Gazette; Southern Sentinel* Nov. 3, Oct. 20, 1855; *Baton Rouge Gazette*, Oct. 9, 1855.

[109] *New Orleans Daily Crescent*, May 22, 1855, quoting the *Farmerville Enquirer* and the *Homer Advocate*.

[110] *Southern Sentinel*, Feb. 24, 1855.

[111] Baton Rouge *Weekly Comet*, June 8, 1855.

[112] *Ibid.*, June 15, 1855.

[113] *New Orleans Daily Crescent*, April 11, 1855.

[114] *Ibid.*, May 14, 1855, quoting the *Thibodaux Minerva*.

[115] Baton Rouge *Weekly Comet*, July 15, 1855.

[116] *Opelousas Patriot*, Aug. 11, 1855; *Southern Sentinel*, Aug. 25, 1855; *Opelousas Courier*, Aug. 18, Oct. 13, 1855.

[117] *Opelousas Courier*, Sept. 29, 1855.

[118] *New Orleans Daily Crescent*, Aug. 14, 18, Sept. 7, 1855; *Ibid.*, Aug. 9, quoting the *Clinton Patriot*.

The Second District elected an American, P. H. Morgan, as Judge of the Second District Court in August by a vote of 2789 to 986.[119]

Nearly every parish in the state held mass meetings in which the Louisiana Platform and its principles were endorsed. A convention[120] of representatives from Claiborne, Bossier, Bienville, and Winn parishes met in Minden and attempted to reconcile the Louisiana Platform by resolving, "That we view the main and vital principles pronounced in our National Platform of this state as identically the same, and that we hereby vouch and sanction both—each cordially—regardless of the special verbiage of either."[121] New Orleans endorsed the State platform at a great assemblage of ten thousand people in Lafayette Square, who heard the brilliant Randell Hunt and Albert Pike, the great Know Nothing itinerant from Arkansas.[122]

The time was propitious for the success of a reform movement. Louisiana had a native free population of 205,474 in 1855. The foreign born population totaled 66,413 of which 24,266 were from Ireland, 17,507 from Germany and 11,552 from France.[123] During the first quarter of 1855, 7,173 immigrants entered the port of New Orleans, 3,173 being Germans.[124] These immigrants gathered in certain districts and suburbs such as Lafayette.[125] Many of them had been sent to America by aid of the governments and private aid societies in Europe. England sent some of her criminals upon their release from confinement.[126] Germany sent her paupers, deformed and cripples.[127] The Mayor of New Orleans was officially informed by the United States Secretary of State that the United States Consul at Bremen had advised him that circulars issued by the emigration bureau in the interior of Germany cautioned emigrants against taking passage for New York as the laws of that state forbade landing except under bond that

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[119] *New Orleans Daily Crescent*, Aug. 14, 1855.

[120] *Ibid.*, Aug. 14, 1855.

[121] *Ibid.*, Aug. 11, 1855; Baton Rouge *Weekly Comet*, July 11, 1855.

[122] No attempt at secrecy except in executive meetings was now made. Mass meetings were called by public notices inserted in papers by two officers of the State Wigwam of Louisiana, N. B. Benedict, President, and T. H. Shields, Secretary. There was one wigwam for every district in New Orleans.—*New Orleans Daily Crescent*, July 6, Oct. 12, 1855.

[123] *Louisiana State Register*, 1855, p. 130.

[124] *National Intelligencer*, April 17, 1855.

[125] Henry P. Dart, *John Blackstone Cotton*, 1824-1881 (New Orleans, 1915), pp. 5-6.

[126] *Sons of the Sires*, preface, p. iv.

[127] The *Crescent* in noticing the arrival of 175 paupers sent by the Hesse Cassel authorities, said that when they arrived in New Orleans they were so destitute that the citizens had either to see them starve or support them. Such people, it said, should be pitied, but when attention was given to the course of crime pursued in the state by these outcasts, criminals and paupers, it believed something should be done.—*New Orleans Daily Crescent*, March 3, 1855.

they would not fall upon the Commissioners for support. All such emigrants were advised to take passage to New Orleans or Baltimore where no such regulations existed.[128] Mayor Lewis immediately issued a notice stating the provisions of the Louisiana laws upon pauper and criminal immigration[129] and gave warning that these would be strictly enforced.[130]

The immigrants remained clannish and the secret societies of the Germans and Irish became political factors.[131] They were naturalized almost by wholesale[132] and wielded their votes to acquire political plums.[133]

Before the fall election of 1855 in New Orleans there arose a serious controversy over the legality of the naturalizations which the courts of that city sanctioned.[134] It was a question of conflict between the state constitution which gave certain courts located in New Orleans only the right to hear specific types of cases at certain times of the year, and the Federal naturalization law which granted these courts the additional power of naturalization. State courts of original jurisdiction were granted the power of naturalization by federal law, yet the state of Louisiana had assigned certain courts jurisdiction only in criminal cases. The Know Nothings claimed that naturalization was not criminal procedure and therefore papers granted by such a court were invalid. The question of whether the court could sit in legal session during the summer was also disputed.[135]

The Democratic Central Committee proposed to the American Central Committee that the question be settled in accordance with the opinions of a group of lawyers. The American party desired a conference to help draft the questions to be submitted to them. The Democrats ignored this proposition as they had selected lawyers upon whom they could depend. The Americans decided to acquiesce, but the Democrats had already rushed into print and said that the Know Nothings would not cooperate and were deter-

[128] Such a consignment did reach New Orleans in August, 1855.—*Ibid.*, Aug. 14, 1855.

[129] Much of the foreign immigration was of the criminal class. In the first two weeks of August, 1855, out of 108 men committed to the workhouse, 92 were foreigners.—Cluskey, *op. cit.*, p. 300, quoting the "Madison Letter No. VIII".

[130] *New Orleans Dailly Crescent*, Sept. 11, 1855.

[131] Cole, *loc. cit.*, p. 260, quoting the *New Orleans Bee*, May 17, 1855.

[132] In one day another court in New Orleans "naturalized" 200 men!—*New Orleans Daily Crescent*, Oct. 28, 1855.

[133] *Ibid.*, Oct. 11, 1855.

[134] The old rush to crowd new citizens through the naturalization "mill" was repeated. The First and Fourth District Courts naturalized 86 persons on one day—November 3, 1855,—Baton Rouge *Weekly Comet*, Nov. 4, 1855, quoting the *New Orleans Bulletin*; the courts remained open on the great Catholic holiday—All Saints Day—for the first time on record so that the number of voters might be increased.—*New Orleans Daily Crescent*, Nov. 1, 1855.

[135] *New Orleans Daily Crescent*, Oct. 6, 15, 17, 1855.

mined to make trouble. Both parties consulted prominent lawyers and each heard what they wanted to hear.[136]

The question came to the polls unsettled. The Americans asserted that each commissioner had sworn that he would uphold the law and prevent fraud, and he should therefore judge the validity of the votes. They said that each commissioner would be committing a moral crime if he permitted votes to be cast upon papers which he believed to be illegally granted by an unauthorized court.[137]

The feeling ran high and accentuated the roughness and rioting which generally disgraced the New Orleans polls of that period. The majority of the voters came to the polls armed with pistols and bowie knives—the toughs because they liked to fight and intended to vote regardless of their right to do so, respectable citizens because their lives and rights were endangered. The Americans came armed to protect the ballot boxes, but the Democrats accused them of preventing as many Democrats as possible from voting. Several casualties resulted.[138] The only approach to polls located in inclosed courts was by narrow alleys. Such small and cramped quarters led to jostlings,[139] which in turn led to personal encounters.[140] A foreigner often had a hard time even to reach the polls. At one place a man was stationed on a scantling so he could look over into the polls to see which way the vote was cast. If it was unfavorable to the Know Nothings he would cry "initiate him!" and as the man emerged he would be beaten until he escaped.[141]

Whenever possible the Know Nothing commissioners refused to recognize those naturalization papers which they believed to be illegally granted. The Democrats then used protest boxes and printed slips which they had prepared before the election. The Know Nothing commissioners refused to recognize their validity as the law did not provide for any such boxes.[142] Much fraud was committed on both sides. The Democrats being in a minority used any means possible to gain a vote. The Know Nothings were just as determined that these votes should not be cast especially by foreign born voters recently naturalized. The cry "Clear

[136] *Ibid.*, Oct. 15, 16, 17, 1855; Baton Rouge *Weekly Comet*, Oct. 21, 1855.
[137] *New Orleans Daily Crescent*, Oct. 24, 27, 29, 1855.
[138] One man was killed when he tried to force his vote by approaching the polls with his naturalization papers in one hand and a pistol in the other.—Baton Rouge *Weekly Comet*, Nov. 8, 1855.
[139] *Report of the Committee on Elections*, Majority Report, pp. 10, 26-28.
[140] *New Orleans Daily Crescent*, Nov. 7, 1855.
[141] *Report of the Committee on Elections*, Majority Report, p. 29.
[142] *New Orleans Daily Crescent*, Oct. 6, Nov. 6, 1855.

the polls, you damned Dutch and Irish Sons of Bitches!", was often heard.[143]

On election night while the votes were still being counted, a mob gathered before the ninth precinct poll and destroyed the ballot box. An hour later the ballots of the seventh precinct were seized and scattered to the winds.[144] Both of these polls would probably have given Democratic majorities and influenced the results greatly. The American commissioners of these polls, W. H. Christy and C. H. Horton, refused to make returns, even after a writ of mandamus had been issued ordering them to do so. They said that the votes had not been counted and to make a sworn return of results would be perjury. They were defended by Randell Hunt, and J. P. Benjamin pled for the plaintiff. For this contempt of court they were fined and imprisoned for one day, and were accompanied to and from jail by parades and banners.[145]

In other parts of the state there were numerous rumors of fraud by both Americans and Democrats. The report was current over the southern part of the state that the Democrats were importing steamboat loads of Irish working men from St. Louis and Memphis to vote the Democratic ticket.[146]

For a time, while the returns from the Red River district were yet to be heard from, the Americans thought they had carried the state ticket, but the final results showed a loss by a margin of about 3,000 votes.[147] Of Louisiana's four representatives in Congress the American party won one. George Eustis, Jr., was elected from the First District which was comprised of Orleans, Plaquemines and St. Bernard parishes. Miles Taylor (Democrat) defeated the veteran T. G. Hunt (American) by 359 votes in the Second District. T. G. Davidson (Democrat) defeated Preston Pond (American) by 115 votes in the Third District, while J. M. Sandidge (Democrat) carried the Fourth District over W. B. Lewis (American) by about 2,300 votes. This district comprised the whole western section of the state and cast a majority of 2,747 against Derbigny. The election showed that only in this portion of the state did the Democrats have more strength than the Americans.

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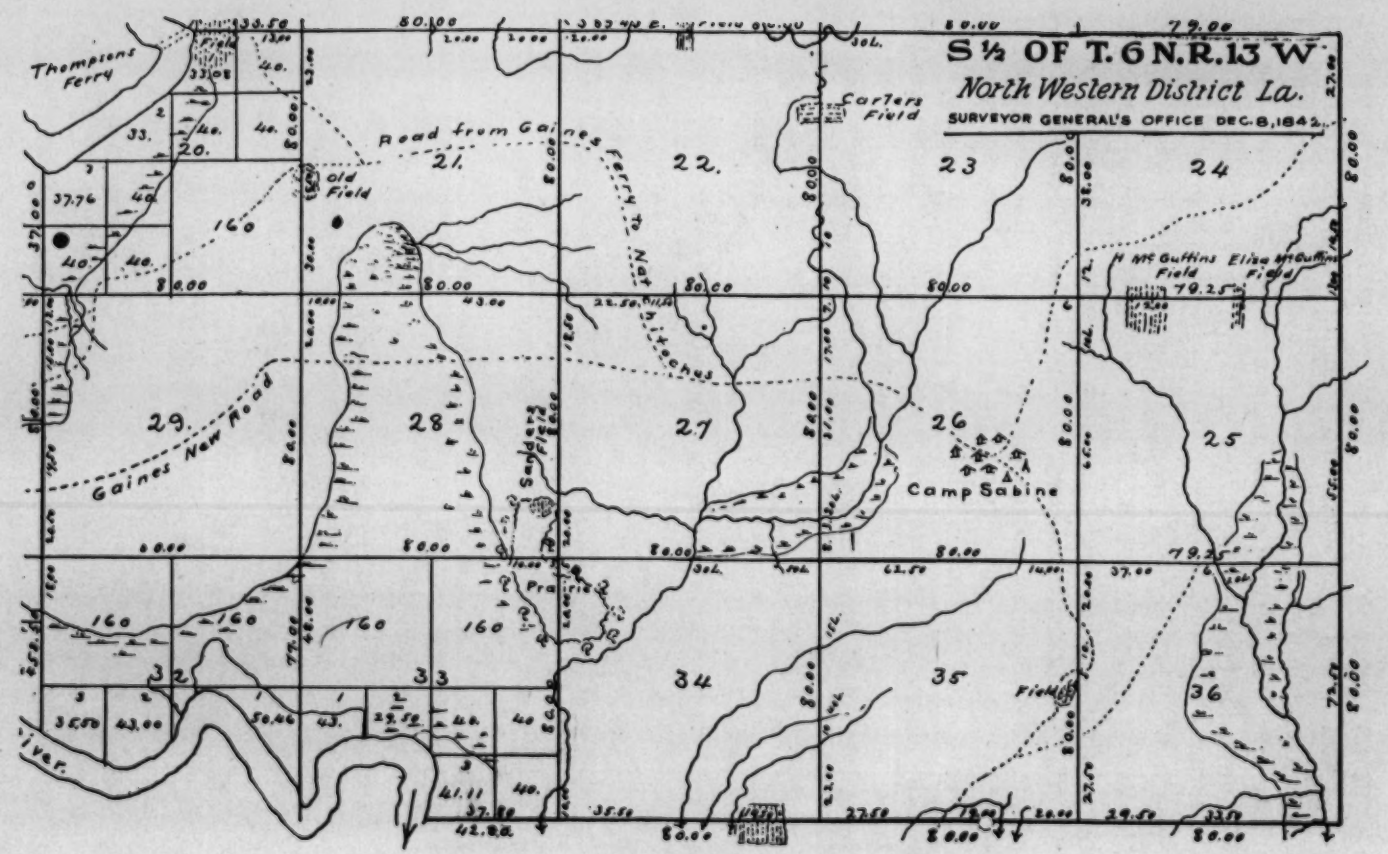
[143] *Report of the Committee on Elections*, Majority Report, p. 29.
[144] Baton Rouge *Weekly Comet*, Nov. 8, 1855.
[145] *New Orleans Daily Crescent*, Nov. 14-28, 1855.
[146] *Ibid.*, Oct. 31, 1855; *Southern Sentinel*, Nov. 3, 11, 12, 1855; *National Intelligencer*, Nov. 21, 1855.
[147] Baton Rouge *Weekly Comet*, Nov. 11, 1855; see Appendix B.

Of the hold-over members of the State Senate, nine were Democrats and five were Americans or Whigs. The new election gave the Americans nine additional senators and the Democrats nine.[148] In the Lower House there were 47 Democrats and 41 Americans.[149] This division was soon changed, however, the result of numerous contested election suits which were filed.

For their first intensive state campaign the Know Nothings had done well. They showed strength in many parishes but almost total lack of strength in others. The way was shown for a victory in the coming Presidential campaign if active measures were taken. The Democratic papers accredited the strength of the Americans to Catholic voters who were still blinded to "their proscriptive religious policy."[150] The Americans blamed their defeat to the vote of Catholics who were misinformed on the views of the Americans toward the religious question.[151] However, the weakness was as much if not more marked in the Protestant northern section of the state than it was in Catholic communities.

[148] See Appendix C.
[149] *Ibid.; Southern Sentinel*, Nov. 17, 1855.
[150] *Opelousas Courier*, Dec. 22, 1855, quoting the *New Orleans True Delta*, Dec. 8, 1855.
[151] *Sugar Planter*, Nov. 1, 1856.

(To be Continued)



CAMP SABINE AND GAINES' MILITARY ROAD

FORT JESUP, FORT SELDEN, CAMP SABINE, CAMP SALUBRITY

Four Forgotten Frontier Army Posts of Western Louisiana

By J. FAIR HARDIN

Lieut. Col., J. A. G., Louisiana National Guard

SECOND INSTALLMENT

(Continued from January, 1933, Quarterly)

CHAPTER VI

FORT JESUP HAS A PART IN THE FOUNDING OF SHREVEPORT

ON JANUARY 6, 1835, from Fort Jesup Colonel J. B. Many made a formal report to the acting Commissioner of Indian Affairs of a tour of inspection among the Caddo Indians along Red River in north-western Louisiana, at the request of the Commissioner for a "report upon the condition of the Caddo Indians, the position, extent and boundaries of the country claimed or held by them." Colonel Many stated that as he was "in possession of no data to make the report called for, I had to go into the Indian country to acquire the necessary information," and then proceeded with his report, one of the best existing of the Caddos in this region before the founding of Shreveport.[33] The troops at Fort Jesup were destined to have a part in the Caddo Indian Treaty, which was signed at the Caddo Indian Agency House on the bluff overlooking Bayou Pierre where the Forbing-Lucas Road now crosses the Bayou and intersects the "Grappe Line," some nine miles south of Shreveport. Colonel Jeheil Brooks, Commissioner for the United States, reports in his "Journal of Proceedings" of the treaty-making, that on June 16, 1835, he "dispatched an express to Fort Jesup with my requisition for troops, and with letters on public business to the postoffice at Natchitoches." Under date of June 21 he records "Express returned, and reported that he had delivered my communication to Colonel Many, at Fort Jesup, on the

[33] The Caddo Indian Treaty, House Rep. No. 1035, 27th Cong. 2nd Sess., pp. 95, 96.

morning of the 19th instant," and under date of June 27 he records that "At four o'clock P. M. Capt. Thomas J. Harrison, of the 3rd regiment of United States Infantry, arrived at the treaty ground, with a detachment of troops, consisting of two subalterns, an acting surgeon, and about fifty rank and file."[34] One of these subalterns was Lieutenant J. Bonnell, 3rd Infantry, later Captain 8th Infantry, who was one of the official witnesses of the Treaty.[35] Captain Bonnell's sworn testimony, taken in 1842, gives an interesting contemporary account of the execution of this, the only treaty with the Indians ever executed in Louisiana, and the document in which the site of the present city of Shreveport was reserved to Larkin Edwards, the friend and interpreter of the Indians.[36] Lieutenant Bonnell was very busy in 1835. I shall have occasion to note other assignments which General Gaines gave him in connection with a period of activity and importance into which Fort Jesup was entering this year, second only to that, a decade later, which connected it with the Mexican War. This was the year of General Gaines' assumption of command, his invasion of Texas from Fort Jesup, the War of Texas Independence, the near-war with Mexico as a result of General Gaines' action and of strained diplomatic relations with the southern neighbor, caused by General Jackson's rather thinly disguised desire to acquire Texas and the constantly recurring evidences of American sympathy with the attempts at Texas independence.

Chapter VII.

General Gaines Arrives to Start A War With Mexico

I SHALL NOT attempt here any history of the diplomatic relations of the United States with Mexico for the troublous two decades which began with Mexican independence and ended with the War with Mexico. It is beyond the scope of this article, and the subject has already been fully and ably treated by Thomas Maitland Marshall in his excellent History of the Western Boundary of Louisiana Purchase, 1819-1841, before cited; to him I wish to make full acknowledgment for a liberal and sometimes a literal use of Chapters VIII and IX of his careful text. I have consulted his principal sources, and believe his treatment of the subject both

[34] *Ibid.*, pp. 116, 117. A rare and interesting document in the writer's possession.
[35] *Ibid.*, p. 77.
[36] *Ibid.*, pp. 67-69.

complete and impartial. I share his views and estimate of General Gaines, though I am scarcely disposed to be so generous in opinion of him as is Marshall. Gaines was an early American "junker", a type frequently found among military men, and too frequently in the American army post of both the past and present. He was so personally ambitious and jealous of his contemporaries of like rank that he was willing to go to almost any length to provoke hostilities, or to magnify the gravity of a situation if thereby his own position might be bettered. Marshall gives the first complete study of the diplomacy of the early "Mexican border" troubles, and no other is needed. It was an important phase of American diplomatic history, in which Louisiana, especially Western Louisiana, was the theatre of operations, but the incidents of 1836 are dismissed in the standard histories of the state with scarcely a word.[37] Fort Jesup and Camp Sabine were the scenes of the field operations growing out of these diplomatic difficulties, and we are here concerned only with the connection of these frontier posts with the events.

> "The progress of the Texan revolution was watched with the keenest interest throughout the United States, but more intense was the interest south of the Mason and Dixon line, and in New York and Pennsylvania. This was due to two main causes: a large proportion of the Texan settlers came from the South, and much of the financial backing for the various colonization projects came from New York and Pennsylvania. Money and arms were readily supplied, and hundreds of men, either individually or in companies, joined the Texans in their war for independence.
>
> "The sympathies of the government were naturally with the Texans. Jackson's persistent attempts to obtain the territory, his personal friendship for Houston, and the natural fire of the military hero, combined to draw him into the struggle. But Jackson had been chastened by years of experience; the energy which had carried him to victory at New Orleans * * * had given way to craft and prudence.* * * Jackson, in no uncertain terms, announced the course which he intended to follow toward the Texan revolution. On December 7, 1835, in a message to Congress, he said:

[37] Gayarre refers to it only vaguely and briefly, as a "clash of arms in the vicinity of our western frontier" which had thrown the state into a "warlike commotion." Vol. IV, p. 656. Fortier makes no mention whatever of the incidents. Even Chambers, who has a good chapter on the Mexican War and Louisiana, passes over the events of 1836, that took place wholly within Louisiana; Chap. XCVIII.

> 'Recent events in that country (Texas) have awakened the liveliest solicitude in the United States. Aware of the strong and powerful inducements held out to the citizens of the United States to mingle in the dissentions of our immediate neighbors, instructions have been given to the District Attorneys of the United States, where indications warranted it, to prosecute, without respect to persons, all who might attempt to violate the obligations of our neutrality; while at the same time it has been thought necessary to apprize the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties'."[38]

The text of these "instructions" to the United States attorneys in six different districts, including that to Benjamin F. Linton, United States Attorney, for the Western District of Louisiana, at St. Martinville, Louisiana, issued by the Secretary of State, John Forsyth, on November 4, 1835, may be read at page 36 of House Document No. 256, 24th Cong. 1st Sess, "Correspondence with the Government of Mexico." From their general terms, and their issuance practically contemporaneously with certain definite protests of the Mexican Government quoted in this same document against well-known acts of neutrality violations by American citizens throughout the Mississippi Valley and in New Orleans, one is justified in suspecting that the instructions were chiefly a measure of diplomatic defense carefully thrown up in order that the administration might be able to show that it had done all that it was able to do. Marshall continues:

> "The question of integrity of Territory had been settled between the United States and Mexico in the Treaty of 1831. The thirty-third article provided that each nation should do all in its power to maintain peace among its border Indians, and both bound themselves to restrain by force all hostilities and incursions on the part of tribes living within their respective boundaries. Unfortunately, the boundary had not been definitely determined. As we have seen, a treaty had been entered into in 1828, which renewed the line of 1819, but from various causes it had not been put into effect by running the line. Since 1829 the government at Washington had proceeded upon the erroneous assumption set up by Van Buren that the Sabine River of the Treaty of 1819 was in reality the Neches River.

[38] Richardson, *Messages and Papers of the Presidents*, III, 151 quoted in Marshall, p. 142.

Keenly alert to the possibilities that were opened up by the revolutionary movement in Texas, aware of the complications which might arise if a Mexican army entered the disputed zone between the Neches and the Sabine, and at the same time desirous of keeping the Indians within bounds, the government determined to mobilize a considerable force along the frontier. Lewis Cass, the Secretary of War, on January 23, 1835, sent instructions to Major General Edmund P. Gaines, commander of the Western Department of the Army, ordering him to repair to some position near the western frontier of Louisiana and there assume personal command of all troops near the Mexican boundary. In part the instructions read:[39]

> 'It is not the object of this order to change at all the relations between yourself and the military departments under your command, but to require your personal presence at a point where public considerations demand the exercise of great discretion and experience. An order will be issued without delay to the sixth regiment to proceed to Fort Jesup, and this force, together with all the troops in the western part of Louisiana and in the country west of the Mississippi and south of the Missouri Rivers, will be employed as occasion may require, in carrying into effect the instructions herein communicated to you.
>
> 'The state affairs in Texas calls for immediate measures on the part of the government. It is the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected. It is possible that the course of operations may induce one or the other of the contending parties to approach the boundary line, with a view to cross it in arms. Should you find that the case, you will give notice to the persons having direction that they will not be permitted to cross the territory of the United States: and if they attempt to do so by force, you will resist them with the means at your disposal.'

So far these instructions were plain and definite, but from this point they became vague and furnished the convenient latitude that Gaines was so ready to stretch. They now quoted the Article Thirty-three of the Treaty, above referred to, relating to the repressions of Indians, and charged that he "not hesitate to use force" to carry out this purpose. They closed with directions to call upon the district attorneys of the two Louisiana

[39] *Ho. Doc.* No. 256, 24th Cong. 1st Sess. pp. 40, 41, quoted in Marshall, page 143. This important document, so often quoted, is also in *Am. State Papers*, Mil. Aff. Vol. VI, pp. 416-427.

districts for any legal advice needed; and two days later copies of the instructions were sent to Mr. Carlton, District Attorney at New Orleans, and to Mr. Linton, at St. Martinville, with request that they furnish General Gaines with any advice needed.[40] This was an entirely needless act, for General Gaines was not the kind of man to seek legal advice while in the field, nor is it recorded that he did. If it was genuinely desired to preserve strict neutrality, General Gaines was the last man who should have been sent upon the mission. General Gaines desired war, and he proceeded to see and hear of hostile Indians in every quarter. Even the few Caddos, weak and miserable, became a threatening horde to him, in order that he might be justified in augmenting his forces and, under the guise of repressing Indians, invade Mexican territory. This he finally succeeded in doing.

Colonel Many, at the close of 1835, was still in command of the six companies of the 3rd Infantry at Fort Jesup, a total of 281 officers and men, at the time the 6th Infantry was ordered there.[41] This threat of war was of immediate material benefit to Fort Jesup, for on February 3, 1836, Secretary of War Cass transmitted to the Chairman of the Ways and Means Committee of the House the recommendation of Quartermaster General Thomas S. Jesup for immediate appropriation:

> "For barracks, quarters, storehouses, hospital, stables, etc., and materials for the same at Fort Jesup, Louisiana, $25,000.00."

a sum so large among the appropriations of that period for such purposes that it was added:

> "In explanation of this item it is proper to say that the present quarters, barracks, etc., there are mostly in ruinous condition, nearly the whole of them having been built in 1822, of pine logs hewn on two sides, and to repair them thoroughly would cost a sum almost, if not quite equal to that estimated for new ones; in erecting new ones it is contemplated that such of the old materials as are fit to be used would be made use of. New ones are indispensable for the health and comfort of the troops."[42]

This appropriation was made, and "these buildings, adequate for four companies and located on the ridge about thirty yards from

[40] *Ho. Doc.* 256, page 41.
[41] Ann. Rep. Sec. of War for 1835, Am. St. Pap. Mil. Aff., Vol. V, page 640. Doc. No. 613 24th Cong. 1st Sess.
[42] *Am. St. Pap. Vol.* VI, page 54. Doc. 636, 24th Cong. 1st Sess.

the summit garrison, were increased, and other necessary buildings were erected."[43]

The original letter of instructions above quoted from Cass to Gaines was addressed to him at Memphis but was delayed in reaching him; for he had already left for New Orleans, where he learned of further trouble with the Seminoles in Florida, conferred with Governor White of Louisiana, and proceeded to Pensacola. There he was ordered to return to New Orleans, and informed that General Scott had been ordered to Florida.[44] This news displeased Gaines, for he harbored a long-standing dislike for both General Scott and General Alex McComb, the then Major General Commanding the Army. This preferment of General Scott for active field service was all that was needed to kindle into full flame Gaines' already burning desire to get into action, and, as Marshall surmises, doubtless colored all of his actions during the year 1836 spent at Fort Jesup and Camp Sabine.[45]

Gaines finally returned to New Orleans on March 28, 1836, where he received Cass' letter of instructions and departed the same day on the steam-boat "Levant" for Natchitoches, stopping enroute at Baton Rouge to examine the arsenal stores there. From Baton Rouge on March 29 he addressed a letter to Cass which clearly indicated that he purposed not merely watchfully to guard neutrality, but to seize the first excuse under his instructions to take the aggressive:

> "I have received, not until yesterday, an official copy of your letter of the 23rd January last, by which I have the satisfaction to be informed that the President of the United States has been pleased to direct my immediate attention to the western frontier of the State of Louisiana, in order to preserve, if necessary, by force, the neutrality of the United States.
>
> "In obedience to this order I have availed myself of the very first steamboat conveyance that offered, after receipt of the order, to proceed to Baton Rouge to enable me to ascertain to what extent the arsenal there will furnish ordnance and ordnance stores, for the prompt and efficient discharge of the duties assigned to me—duties which derive great importance from the recent accounts of the sanguinary manner in which the Mexican forces seem disposed to carry on the war against our Texas neighbors. (See the ac-

[43] Letter Quartermaster Supply Officer, Q. M. Gen. Off. to the Quartermaster General, Jan. 21, 1930, subject "Ft. Jesup."

[44] Jones, Adjt. Gen. to Gaines, Jan. 22, 1836, Ho. Ex. Doc. 78, page 740, 25th Cong. 2nd Sess. III, cited in Marshall, page 145.

[45] See voluminous note and citations, Marshall, page 145.

companying newspapers) Upon this point I take leave to suggest whether it may or may not become necessary, in our own defense, to speak to the contending belligerents in a language not to be misunderstood—a language requiring force and military supplies that shall be sufficient if necessary, for the protection of our frontier, to check the savage operations of each of the contending parties, who may forget to respect the laws of war and our neutral rights, until Mexico and the United States shall, by an adjustment of existent difficulties, put an end to the scenes of barbarism which cannot but endanger the peace and other vital interest of all the parties concerned; scenes of barbarism disgraceful to all who enact or tolerate them.

"Should I find any disposition on the part of the Mexicans or their red allies, to menace our frontier, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defence of our slender frontier, but to anticipate their lawless movements, by crossing our imaginary national boundary, and meeting the savage marauders wherever to be found in their approach toward our frontier. Should I err in this view of the subject, in which, however, I am convinced the laws of war and nations will bear me out, I shall be gratified to receive the views of the President, to which I shall scrupulously adhere. But if it be otherwise, if my own views are approved, I shall in that event, have occasion for some mounted volunteers, with other forces sufficient to make my numerical strength equal to the estimated strength of the contending parties, which is now estimated at eight thousand to twelve thousand men. (8,000 to 12,000 men) With a view to this possible contingency I have already desired the fine legionary brigade commanded by General Plauche, of the city of New Orleans, to calculate on the possibility of my having occasion to invite the legion to join me. To this suggestion, the officers of the legion, with the gallant general at their head, cordially responded that they would, whenever it might be deemed necessary, promptly repair to the frontier, delighted with the opportunity of carrying into effect the wishes of the President, under whose immediate command many of these officers had distinguished themselves in defense of their city and state, in the memorable triumphs of December, 1814, and January, 1815.

All which is submitted for the information of the President of the United States.

With profound respect,

EDMUND P. GAINES,

Major General Commanding."

It is well to analyze briefly this astonishing letter from one whose mission was to "preserve neutrality", in the light of its author's subsequent action. That he wishes to impress Washington with the importance of his duties is quite evident. He adds in doing this by forwarding copies of local papers, all of which were notoriously sympathetic with the Texas cause.[46] He stressed the sanguinary and barbaric character of the warfare, with which he could have no possible concern as long as it took place on Texan soil and the United States boundary was not violated. Then he writes some high-sounding phrases about the laws of war and boldly suggests that he should "check the savage operations of each of the contending parties"—hardly the function of one desiring to preserve neutrality. He follows this with the further suggestion that he "anticipate their lawless movements" by himself "crossing our supposed or imaginary national boundary"—in other words, actively violating the neutrality he was supposed to protect! Finally he prepares Washington for heavy requisitions for troops, double the strength of the whole standing army, which could mean only an expression of Gaines's burning idea: an army for the invasion of Texas and Mexico. Such were the sentiments of this militarist sent to the far frontier post of Fort Jesup to "preserve neutrality," and he blandly hoped that the views of the President would coincide with his own. He already knew that Jackson wanted Texas; what he hoped for was that he would precipitate the acquisition in a blaze of military glory for himself. "He had been deprived of his command where there was opportunity of gaining military laurels, and it was but natural that he should wish to overshadow his rival, Scott, by a greater military exploit."[47]

Gaines arrived at Natchitoches by boat on April 4, 1836 where he stayed several days before proceeding to Fort Jesup, and immediately began gathering data on the situation. This was unfavorable enough to the Texas cause. The Alamo had fallen. Santa Anna had carried all before him in southern Texas, capturing the forces of Fannin and Grant, and Houston was in full retreat toward the East. The Americans in Texas were in a panic. Abandoning their homes, they were returning across the border. Gaines

[46] "New Orleans and the Texas Revolution", by Jas. E. Winston, *La. Hist. Qtly. Vol. 10*, No. 3, page 317, July, 1927.

[47] *Marshall*, page 147. See also *The National Cyclopedia of American Biography*, Vol. IX, page 372 for a concise life of General Gaines. (b. Culpper Co. Va. Mar. 20, 1777, moved early to East Tenn., where he was intimately associated with General Jackson, served with distinction in the War of 1812 and the several Indian Wars in the South, died in New Orleans, June 6, 1849.)

gathered plenty of rumors of threatened Indian uprisings. Under date of April 11, 1836, Adjutant General Jones addressed a letter to him as "Commanding Officer of the troops on the western frontier of Louisiana, Fort Jesup," enclosing the following letter, bearing the President's personal informal endorsement, which had been forwarded to Fort Jesup by Col. Many, commanding the 3rd Infantry there:

> Near Crow's Ferry, Lou.
> Mar. 11, 1836.
>
> Dear Sir:
>
> The undersigned being personally known to you, take this hurried opportunity while upon our way to Texas, to write you, that you, as head of the Army of the United States, may have such information therein as we have this moment in possession of, it is this:
>
> A Mr. Wm. Palmer, a gentleman who we learn to be of truth, living in the vicinity of Fort Jesup, informed us that a blank commission came on a few days since from General Santa Anna, to a citizen of the United States of that neighborhood, authorizing him to proceed to the Indians up Red River, and stir them up to attack the upper settlements of Texas; that soon after this a Spaniard arrived at the house of this individual from the interior; and that they went off, it is supposed, to effect General Santa Anna's views. Such as it may become your duty to act in this matter is best known to yourself.
>
> Permit us to subscribe ourselves most respectfully,
>
> Your obedient humble servants,
>
> THOS. JEFF. GREEN
>
> To the President of the United States.

This bore the following endorsement by Jackson:

> "Referred to the Secretary of War, that he cause orders to be forthwith given to the commanding officers at Fort Jesup, to arrest all individuals under the orders of General Santa Anna, are engaged in exciting the Indians to war, and to notify all concerned that all his military force will be employed to put it down or support our neutrality.
>
> A. J."[48]

This must have been a welcome note to Gaines, so well did it fit in with his own wishes.

Under date of April 25, 1836, Secretary Cass addressed a long letter to General Gaines at Fort Jesup, acknowledging re-

[48] Ho. Doc. 256, page 59, 24th Cong. 1st Sess.

ceipt of his letter of March 29, from Baton Rouge, enclosing a copy of diplomatic memorandum which Secretary of State Forsyth had handed the Mexican Minister, Gorostiza, in reply to the latter's inquiry as to the purpose of the mobilization of troops on the Louisiana frontier and General Gaines' mission there. Cass was careful to state:

> "It is not the wish of the President to take advantage of the present circumstances, and thereby obtain possession of any portion of Mexican territory."

Gaines spirits must have fallen as he read this at Fort Jesup, but they doubtless revived again as he read a long paragraph touching on the possibility that the Mexicans might arouse the Indians:

> "It may, therefore, well be, as you anticipate, that these various contending parties may approach our frontiers, and that the lives and property of our citizens may be placed in jeopardy. Should this be the case, the President approves the suggestion you make, and you are authorized to take such position, on either side of the imaginary boundary line, as may be best for your defensive operations. You will, however, under no circumstances, advance farther than old Fort Nacogdoches, which is within the limits of the United States, as claimed by this Government. But you will please to observe, that this permission will not be exercised, unless you should find such an advanced position necessary, to afford due security to the frontier, in consequence of the unsettled state of things beyond you."[49]

Needless to say, Gaines was not long in finding this "advanced" position "necessary." He was also informed that the President had requested the governors of Louisiana and Mississippi to call into service "any militia force you may find necessary for the protection of the frontiers." Gaines doubtless appreciated this apparently unlimited authority to assemble troops. The letter closed, however, with the cautionary suggestion that he give "as little cause of offence as possible to any foreign authority."[50] Cass's letters to the governors are given at pages 45 and 46 of the cited document. Gaines had not awaited this letter, however; for from Natchitoches on April 8, 1836, four days after his arrival, he had addressed a long, somewhat bombastic, and highly exciting letter to the governors of Louisiana, Mississippi,

[49] *Ibid.*, pp. 43, 44.
[50] *Ibid.*, pp. 43, 44.

Alabama, and Tennessee, regarding the "sanguinary and savage aspect" of the "war in Texas" which, he stated, had "induced the President of the United States to require a considerable augmentation of the regular force to be concentrated upon this section of the national frontier."

He emphasized the fact that he would maintain neutrality "peaceably if practicable; forcibly if necessary." He quoted the thirty-third article of the Treaty with Mexico relative to the suppression of hostilities on the part of the border Indians, stating that he had taken measures to make known to the various Indian tribes bordering on the Mexican territory and in the valleys of the Red and Arkansas Rivers the determination of the Government to prevent any hostile incursions of Indians into Texas, advising them that he would use force if necessary. To show how carefully Gaines "built up his case" to the Governors, I quote:

> "I have learned from several of our citizens entitled to credit that one Manuel Flores, a Mexican Spaniard, but for some years past as a citizen of Spanish Town in this State, near the Sabine ridge, has been lately commissioned by persons professing to act by the authority of the Mexican government, for the purpose of enticing the Indians in the western prairies, on our side of the boundary line to join them in the war of extermination now raging in Texas; and that with this view, the agent, Manuel Flores accompanied by a stranger, has lately passed up the valley of Red River, and has already produced excitement among the Caddo Indians; and I have very recently learned from several intelligent persons in Texas, and other who have lately been there, that many of our Indians have lately gone over to the Texas side of the line."[51]

He reported his decision to take active measures toward "compelling the Indians to return to their own homes and hunting grounds," but stated that he lacked mounted men, the kind of troops needed to check "the daily increasing danger," and concluded with a request that each governor furnish "a brigade, to consist of two or three battalions of volunteers, as many to be mounted as practicable, to repair to this place as soon as may be convenient, by companies or battalions; to receive their arms and camp equipage at New Orleans and Baton Rouge. There may be eight or ten companies to a battalion."

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[51] *Ibid.*, pp. 47, 48.

Doubtless Gaines knew from experience with such requests for volunteer levies that there would be far from complete compliance; and, viewed in the light of the immediate surroundings and available information, with the panic which Mexican successes had caused among the Americans in Texas, his description of conditions may have been justified, though it does seem that these were large forces to request merely for anti-Indian activities, in addition to the regular forces which he had. We know of some basis for his information. In addition to the letter from Green, above quoted, referred by the President himself to Gaines, on March 19, 1836, the chairman of the Committee of Vigilance and Safety at Nacogdoches, Henry Raguet, had written to Hotchkiss, chairman at San Augustine, that they feared an imminent attack from Indians arriving daily from the United States, transmitting certain wild Indian rumors about Sacs and Foxes, and requesting that this information be forwarded to the commanding officer at Fort Jesup, asking that the United States stop the Indians from crossing into Texas.[52] The San Augustine committee transmitted this information, with added rumors of their own, sending Dr. G. Rowe and Col. P. H. Sublette to Fort Jesup to discuss the situation with General Gaines.[53] On March 20, John T. Mason, of Nacogdoches, had written to Major Nelson, commanding at Fort Jesup, making the special request that a messenger be sent to the Caddos to keep them quiet.[54] He followed this on April 1 with a letter directly to Gaines, giving further Indian rumors, and closing with the direct request that troops be sent to Nacogdoches.[55] These are doubtless the "several intelligent persons in Texas" upon whom Gaines relied for his information which he transmitted so confidently to the governors; probably he believed them to be trustworthy persons, but it must be remembered that the keenest desire in the minds of these American immigrants into East Texas, for the past several years, had been armed intervention of the United States in their behalf, and now they doubtless had in Gaines a ready listener. From what is known of the distinctly un-warlike nature of the Caddos, as well as their numerical weakness, and in view of the fact that none of the anticipated Indian attacks materialized, at least none of any consequence, it appears that most of these ru-

[52] Ho. Ex. Docs. 25th Cong. 2nd Sess. XII, Doc. 351, pp. 777, 778, cited in Marshall, op. cit. p. 149.
[53] *Ibid.*, p. 777.
[54] *Ibid.*, p. 773-774, Marshall, p. 150.
[55] *Ibid.*, pp. 778-789, Marshall, p. 150.

mors were purely wild, and induced either by the prevailing state of panic, of by a definite propaganda to induce armed intervention by the United States. The last is the view of Professor E. C. Barker.[56] One is, however, in judging Gaine's actions, chiefly concerned with the information which he had before him at the time. Mason, meanwhile, had been placed by the Committee of Vigilance at Nacogdoches, in complete command, superseding the civil authority; and he was requested to make a personal appeal to the American Commander at Fort Jesup.[57] Mason first dispatched a messenger to Gaines with this news, and followed him to Fort Jesup on April 13, but learned that Gaines was in Natchitoches, where he immediately communicated with him, confirming anew all of the Indian rumors.

Gaines, however, was not relying wholly upon these East Texans for information, for he dispatched Lt. J. Bonnell, the same who had witnessed the Caddo Indian Treaty the year before, among the Caddos to learn the truth of the rumors about their activities. Meanwhile, on April 12, Miguel Cortinez was brought before him and testified that during the previous February he had found his brother, Eusebio, among the Cherokees, and had been told by him that he held a commission from the Mexican Government to raise the Indians against the Texans, and that he intended to attack and set fire to Nacogdoches. This testimony of Cortinez, these letters from East Texans, the dispatches from Mason, and all of these repeated rumors, with the evidences of panic which Gaines witnessed daily along the great San Antonio Trace which led through the reservation, caused Gaines to take the action desired by both himself and his friends beyond the Sabine. The major part of the 3rd Infantry had constituted the permanent garrison at Fort Jesup for some time, and the 6th Regiment had been ordered on January 25, 1836, from Jefferson Barracks, near St. Louis, to Fort Jesup.[58] Gaines ordered five companies of the 3rd Regiment and eight companies of the 6th to advance at once to the Sabine River, where they pitched camp on the site of General Wilkinson's former camp of 1806, the place thereafter designated as Camp Sabine.

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[56] Miss. Valley Hist. Rev. I, 18-19, 24-26.
[57] Ho. Exec. Doc. 25th Cong. 2nd Sess. XII Doc. 351, pp. 775, 776.
[58] G. O. No. 9, Army Hdqrs. A. G. O., Jan. 25, 1836. Ho. Doc. 256, p. 58.

(To be Continued)

DOCUMENTS CONCERNING THE CROZAT REGIME IN LOUISIANA, 1712-1717

Translated for the Quarterly from copies of the original documents of the French Archives in the Department of Archives and History of Mississippi

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SECOND INSTALLMENT

(Continued from Quarterly, Oct. 1932, Vol. 13, Page 588)

INTRODUCTION BY HENRY P. DART

THE FIRST installment of the Crozat papers (Qy. Oct. 1932) covered the instructions of the King of France, to Governor Cadillac and J. B. Duclos, Commissaire Ordonnateur, and head of the Superior Council of Louisiana. The introduction to that installment furnished some particulars regarding these officials and their relation to the first civil government created by France for the Colony of Louisiana.

The present (second) installment covers two narratives or reports by Duclos to the home government of conditions in Louisiana made immediately succeeding his arrival in the Colony and they show the poverty of the establishment and the difficulties surrounding the attempt to administer it. The documents here printed are vivid contemporaneous accounts of the situation in 1713 and when the series is completed in the Quarterly, the historian will have before him the whole of the famous controversy between Cadillac and Duclos which raged from year to year until Crozat in disgust at the failure of his adventure retired from Louisiana and surrendered the Colony to the crown. We will be able from the testimony of these interested witnesses to visualize the local history of the Colony during Crozat's regime and to that extent to supply a missing link in our history. The reader will note (as suggested in the introduction to the first installment) that these documents are largely concerned with that portion of the Colony outside the present limits of Louisiana, but this first

attempt at civil govenment is intimately connected with the operations of the succeeding years when New Orleans was made headquarters for all Louisiana.

List of Documents printed herewith

I. MEMOIR FROM DUCLOS TO PONTCHARTRAIN, July 15, 1713.

II. LETTER FROM DUCLOS TO PONTCHARTRAIN, October 25, 1713.

Document No. 5

MEMOIR FROM DUCLOS TO PONTCHARTRAIN

Ministry of the Colonies, Series C. 13, General Correspondence of Louisiana, Vol. III, pages 125-140; Mississippi copy Vol. IV, pages 93-115. July 15, 1713, Fort Louis (Mobile), Memoir on conditions in Louisiana. Clearings, mines, churches missionaries, Superior Council, land grants, soldiers, French merchandise, finances, rations, munitions, trade with Havana and Vera Cruz, industries, domestic animals, midwife, hospital, etc.

Louisiana. This July 15, 1713.

MR. DUCLOS.

MEMOIR

(p. 125) To reply to the instructions sent by lord Count de Pontchartrain to Sieur Duclos, Commissary General of the Navy in Louisiana.

The climate of the province of Louisiana appears very fine and the lands that lie along the Mobile River rather good but they are very little cleared because of the small number of inhabitants who are there and who naturally appear very slothful either because of the heat of the country in the summer or because of their uncertainty about remaining in this country.

At a distance of a quarter of a league from the banks of the river in the depths of the woods, the only land that deserves to be cleared, one finds only sandy land on which only pines grow and which can produce nothing else. As it is a very flat country there is no probability that any mines will be found there nearer than three to four hundred leagues. We are assured however that there is one of saltpeter forty leagues from here in the interior and another of metal without its being known what it is at a distance of sixty leagues on the Mobile River.

The inhabitants of Fort Louis who have been obliged to change their plantations several times, having been established for only about two years in the place where they are eight leagues up the Mobile River and besides carrying on very little or rather no commerce, are in great (p. 126) poverty and in no condition to be able to contribute to establishing churches. Religious worship is performed in a room of the house that the missionary priests have bought who are here at present to the number of four. There is one built on Dauphine Island which was erected by means of the present of Sieur de Rémonville. It is rather fine and commodious. It is to be wished that there might be one like it at Fort Louis and to accomplish it I do not see any other way than to persuade Mr. Crozat to assign to the construction of a church at Fort Louis the five hundred livres that the Company has pledged itself in its charter[1] to grant as charity every year. One year or two years of this charity at the most used for this building in addition to some assistance in planks that each inhabitant would be obliged to furnish would be sufficient to build a fairly good one.

I shall say on this occasion that the missionary priests who are here at present are very pious and very edifying and the one who performs the functions of curate who has just made the voyage in the *Baron de la Fauche* is very able and very learned although he has no talent for preaching. They are neglecting, however, one thing that seems to me essential which is learning the language of the Indians in order to be able to instruct them in the Christian religion. This is the reason it has not yet made any progress at all among those nations in which although [they are] very near Fort Louis there is not (p. 127) a single man [who is] a Christian except in the nation of the Apalachees which was formerly instructed by the Spaniards whose neighbors they were and whom they abandoned to come and settle near Fort Louis with Mr. De Bienville's permission.

We have not yet been able to establish the Superior Council since we have been occupied until the present, I in having the King's effects landed and transported to Fort Louis and Mr. De Lamothe the Company's effects which remained at Dauphine Island. We are however looking for persons capable of being councillors and an Attorney General ("Procureur General") and these I think we shall have trouble in finding because of the few

[1] The French expression is *dans son acte de societé.*

inhabitants whom I see in this country, and we shall also appoint a recording clerk[2] in the absence of Mr. Maleffre and until he is able to come here. I venture to assure my lord Count de Pontchartrain that I shall do everything that is in my power to respond by my uprightness and my disinterestedness to the choice that it has pleased him to make of me to fill the place of First Councillor and that no consideration will ever prevent me from rendering justice without prejudice or favor so that I do not think that any complaint that is well founded will ever come to him on this subject. After the establishment of the Council we shall not fail to reform the concessions of the lands that have been granted up to the present in accordance with the model for it that has been sent to me and to think of the police regulations that it will be necessary (p. 128) to make here.

My lord Count de Pontchartrain will find enclosed herewith an abstract of the review that I have made of the two companies that are in garrison in Louisiana to the number of sixty-seven soldiers of whom there are eight or ten old, invalid or in no condition to serve, and this is the reason that they will need an additional force of forty soldiers in order to be full. The greater part of these soldiers have no lodgings at all because none have yet been made for them, and are obliged to sleep in the guardhouse. The others are scattered alongside and others in cabins that they themselves have built for themselves in the woods. They make many requests that will be seen in a separate memoir enclosed herewith. I am addressing this memoir to Mr. Rodot.

The flour that is sent here is of a very bad quality. Nearly half is at present ruined and spoiled with a moldy taste which makes it impossible to use it. They took care at Port Louis to put some barrels of good flour at the two ends and in the middle [barrels] of very bad [flour.] Mr Crozat's is much better and better selected.

I do not see that there is any abuse in the distribution of it that is made to the soldiers. They are in too small numbers, being divided between Dauphine Island and Fort Louis, for it to be possible for them to be exempted from guard duty. If any is introduced in the future, I shall not fail to remedy it according to what is prescribed to me.

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[2] The French word is *greffier*.

I have taken pains to ask the keeper of the warehouse for an account (p. 129) of the shipments and consumption of the provisions, merchandise and munitions that have come from France, but the lists of goods received, the inventories of them that have been made from time to time and the registers of the consumption that have been kept are so confused that it is not possible for me to render an account of them at present although I have spent two weeks consecutively examining them very attentively. All that I have been able to recognize is that there has been much waste and very little care for their conservation together with great ignorance on the part of those who until the present have been charged with this particular duty.

Up to the present provisions have been given to the workmen, petty officers, sailors and cabin boys and in addition to that they are credited with their pay in full at forty-five livres without deduction being made for their food on an order that it is asserted had been sent from Rochefort and which I have not found among all the papers of the late Mr. De La Salle formerly clerk performing the functions of commissary in this country. As in the orders for funds that have been issued for this province and which I have found there I do not see any fund for their food except for the first two years I have decided that it was the intention of my lord Count de Pontchartrain that they should be given food and in addition to that paid their wages. I have however continued to have rations given to them because without that it is certain that they would die of hunger, but I have (p. 130) warned them that it would be deducted from their pay at the rate that it would please my lord to determine, and this I beg him very humbly to do; and this change surprizes them so greatly in the idea that they have that they ought to get both their provisions and their pay that most of them are asking for their discharge and for [permission] to withdraw.

I have also found that in the first years there had been supplied to the inhabitants of this country as many as thirty-six thousand rations for which they were to make payment in the future and for which they are still in debt. Several of them also have been given goods from the warehouse, so that there are few persons here who do not have an open account with the said warehouse. I am no longer permitting anything to be given to anybody except to those who are in the pay of the King and who cannot live without this assistance.

I have begun to work on the accounts of each person and when I have wound up everything I shall make all those pay who are solvent and I shall be careful to render an account of it.

Not only the merchandise and munitions that came here for the presents to be made to the Indians but also those intended for the maintenance of the fortifications have changed their destination, [judging] by what I have seen in the registers. Both have been applied to the maintenance or food of all those who are here in the pay of his Majesty who have all until the present time drawn rations from the warehouse. There would not have been any great objection to that if care had been taken to (p. 131) deduct them from their pay and it is even almost impossible to do otherwise because of the poverty of all those who are here, but as they have been paid or credited with their pay in full it is not possible that those who are charged with drawing up in [due] form the rolls of the expenditures of the preceding years will not find much more than is set down in the lists of funds; in consideration also of the fact that there has been paid to several petty officers, and sailors and workmen pay much greater than is set down in the said orders for funds.

In addition to that as they have been here three years in succession, as it seems to me, without receiving any assistance from France they have been obliged to buy a quantity of food supplies from the country in order to provide subsistence for the garrison, so that there are many notes of Sieur de La Salle in this country which are not in proper form[3] and the inhabitants do not know to whom to apply to have themselves paid.

I do not see either that the said late Sieur de La Salle furnished any discharge to the General Treasurers of the Navy for the expenditures that were made here especially since the year 1706, and the accounts that were found in his papers after his death are so little in order that Mr. De Bienville who was the commissary without knowing it[4] and who is not at all familiar with matters of this sort absolutely does not know where to begin to make these discharges. I am intending to aid him or rather to make them (p. 132) myself and to have him sign them, but it seems to me that in order to finish and put in order[5] all the expenditures of the preceding years in such a way that there may be no reason to return to them it would be necessary for

[3] Literally "which have no form" (*qui n'ont aucune forme.*)
[4] The French is: *qui estoit ordonnateur sans le sçavoir.*
[5] The French word is *regler.*

the General Treasurers of the Navy to send a clerk here with the receipts and discharges for everything that has been paid for this country from the last discharge in due form that was given them, and all the orders for funds that have been made for Louisiana and I should be careful to furnish him rolls in due form obtaining promissory notes for what is not paid[6] by which one would be governed in making the notes for what is due to the inhabitants for the supplies that they have furnished to this warehouse. I should be careful also to charge him as an extraordinary receipt[7] with all the receipts[8] that I should turn over to him after having obtained them from the officers by means of what they owe this warehouse for provisions and merchandise that have been furnished to them.

Mr. De Bienville owes, as it seemed to me, according to the abstract that I have made of the goods that have been furnished him by the warehouse at the prices current in this country, about eight to nine thousand livres which I will make him pay back in his receipts for salary; Mr. De Chateaugué about five thousand livres and the others in proportion. I shall have the honor of rendering a more exact account of them when I have thoroughly examined and completely drawn up these accounts. What has obliged these gentlemen to take [goods] from the warehouse, it seems to me, arises from the fact that they do not carry on any commerce in this country (p. 133) so that since they are not paid their salaries at all they have no other resource to be able to make a living. What is certain is that they are very poor and even after Mr. De Lamothe Cadillac and I had investigated their indigence and the impossibility for them to buy flour from the Company I still could not keep from furnishing them some from that of the garrison in order to provide them subsistence, as is seen by an official report enclosed herewith, since I tried in vain to persuade Mr. De Lamothe to have some given them from that of the Company on the account of their receipts for salaries.

My lord Count de Pontchartrain will find enclosed herewith a list of the munitions, merchandise, arms, provisions and medicines that it is absolutely necessary to send here for the supplies of next year, and all that we shall be able to do with what we brought on the *Baron de la Fauche* will be to go until the

[6] The French is: *en retirant des soumissions de ce qui ne seroit pas payé.*
[7] "Receipt" in the sense of "money received" (*Recette extraordinaire.*)
[8] "Receipt" in the sense of "acknowledgment of money received" (*quittances*).

end of this one because of the poor quality of the flour and the number of the persons to whom rations cannot be refused on account of the shortage that prevails here at present.

There are not yet any regular fortifications in Louisiana There is only a stockade enclosure with four bastions with a house inside which has only its four walls and the roof built. Mr. De Lamothe Cadillac has tried to persuade me to have the fort completed and the house to provide lodgings but (p. 134) after having examined the expenditure that it would be necessary to make for that and after having found that it would amount to not much less than two thousand crowns I have not yet thought it advisable to do so without receiving my lord's orders on this matter, in order to employ the munitions, merchandise and provisions that are here only to provide subsistence for the garrison and to make them last as long as possible. However this expenditure seems to me necessary and still more so to have Dauphine Island fortified.

Its port is perfectly good; the entrance to it is very difficult because of the currents, and very easy to fortify. My lord Count de Pontchartrain will see enclosed herewith a map of it which I have found here and which seemed to me fairly correct as far as Dauphine Island is concerned. By building a fort at the place indicated which the vessel must pass within range of a pistol it would be impossible to enter the port, and to make useless the attacks that might be made on the west and north of this island it would be necessary to build another small fort at the place marked B and draw a line with a palisaded moat from A to B which would be like a sort of curtain flanked on the right and left by the forts A and B whose cannons would cross each other and render this passage very difficult not to say impossible since the forts would not be more than a cannon shot distant from each other. Between the Grand Gozier islet and the (p. 135) point of Mobile only shallops can pass and even they are obliged to sail close to the point of Dauphine Island marked C in order to avoid shallow water which extends far off the point of Mobile, so that if we should simply build a battery at this place marked C the shallops would enter with difficulty and the port would be safe against all insult. I am convinced as far as I have been able to judge that with twenty thousand francs in merchandise bought in France and transported hither I should succeed in having these fortifications

built, with the attention that I should give to being economical with them and to using them only in the right way, provided I should be in sole control of their use.

I do not speak here of the usefulness of which this port might be for France [if it were] fortified in the manner that I have just said in case of a break with Spain as may happen, either through the commerce that can be established with the Spaniards by land in spite of all the contrary orders that they might give or through the situation of the port from which we could make frequent expeditions to disturb their commerce to Havana and to Vera Cruz, certain that they absolutely could not insult us at Dauphine Island without a considerable armament and extraordinary expenditures.

Mr. De Lamothe Cadillac, (p. 136) as he has told me, is sending my lord Count de Pontchartrain a map of St. Bernard's Lake discovered by Mr. De La Salle where we could establish ourselves in the situation of which I am speaking. This would bring us near the mines of New Mexico of which we should have no trouble in getting possession with the assistance of the Indians [who are] enemies of the Spaniards. In regard to the usefulness that we can derive from Louisiana at present in the situation in which we are with Spain I see only indigo and silk.

Indigo grows perfectly well there and even up to the present without being cultivated. By the assurances that the inhabitants give one can count on three crops per year, and if no one has yet applied himself to it with profit, that comes from not knowing how to cultivate it and to work it. Nothing was brought from Santo Domingo on the *Baron de la Fauche* to produce it. However it would be necessary to obtain there at least someone who understands this crop in order to teach it here.

Mulberry-trees are even much more common there, and if no silk business has been established up to the present it is for the same reason that indigo [has not been produced], for want of silkworm eggs and of people who know how to work at silk. As for the eggs, it seems to me easy to have some brought from Carolina by making peace with the Alabama nations with which we are at war and which close the way to us. Mr. De Lamothe Cadillac ought immediately to make efforts to make it and at the same time to have silkworm eggs brought from Carolina. (p. 137) This will be able to do only great good to this colony if the inhabitants are willing to devote themselves to it, as I

do not doubt, because of the abundance of mulberry-trees that are here and the ease with which this crop is gathered, in the shade and without any fatigue, which will agree very well with their natural indolence.

As for tobacco, very little of it has been cultivated up to the present. However it grows here very well and is good, but there is a certain worm that eats it all up as soon as it comes from the ground. This has disgusted those who have wished to devote themselves to it. These worms, in my opinion, come because the country is not sufficiently cleared and because the lands which are cleared are too near the woods which engender every sort of insect that eats the plants in this way and also the corn. In the future if the country comes to be more cleared I do not doubt at all that tobacco will grow there perfectly well, because of the tests that have been made of that which was not eaten by the worms which was found to be very good.

The only thing to which I see the inhabitants are applying themselves, and even to that they have been applying themselves for only one year as I have been assured, is to planting maize or Indian corn of which a large crop is expected this year if the drought that is here at present does not continue, for if it continues grain will be lacking this year as it was last year and this is going to put the inhabitants (p. 138) as well as the Indians in extreme want. They have only this resource for living, and they are both waiting for this crop with great impatience in order to feed themselves and at the same time to feed poultry and pigs which are extremely rare at present, for they are not in a position to buy flour and wine from the Company which has not yet sold any at all. This shows how little industrious and consequently poor the inhabitants of this place are. It is only the cows that are in sufficiently large numbers here because it costs nothing to feed them. However they do not fail to be very dear and when an ox or a young bull is killed, which happens very rarely because there are not enough people who buy it to be able to consume it entirely before the hot weather spoils it, it is sold for not less than nine sous a pound. This is the reason the inhabitants of this place almost all live only on milk foods.

The only vessels belonging to his Majesty are a brigantine and a small ship[9] which I will have turned over to Mr. Crozat's agents when they wish me to do so. At present they are using

[9] The French word is *traversier*.

the small ship to unload their merchandise. In regard to the brigantine, the Spaniards have asked to charter it in order to send it to Vera Cruz to inform the viceroy of Mexico of the condition in which they are. I am having it careened and equipped. I see however that they are talking at present of sending the *Baron de la Fauche* there. Mr. De Lamothe Cadillac is at Pensacola to conclude this (p. 139) matter with the governor of that place.

I have investigated the situation in which Fort Louis and Pensacola were as to the reciprocal assistance that they have given each other and I have found that the Spaniards owe us only a few barrels of beans which they are not now in a position to return to us, the value of which however I shall be careful to recover at the same time as forty-five barrels of flour that we lent them as soon as we arrived here, when they have received the assistance that they are expecting from Mexico every day.

There came over on the *Baron de la Fauche* twelve girls whom Mr. Clairambault had embark at Port Louis, but so ugly and ill-made that the inhabitants of this country and especially the Canadians are not at all eager for them. Two of them however are already married I fear very much that the others may remain a long time. It appears to me that in such a choice Mr. De Clairambault ought to pay attention to looks rather than to virtue. The Canadians and especially the backwoodsmen, of whom we have found a rather large number here who are all very well-made men, are not very scrupulous about the conduct that the girls have observed before they marry them and if they had found some of them well-made and to their liking perhaps some of them would have remained here to marry them and to settle here, which would increase the colony, whereas on the contrary they have all gone back asserting that they preferred the Indian women whom most of them (p. 140) marry and especially at the Illinois at the hands of the Jesuits who are missionaries there. We shall try however to marry off the others as promptly as possible. If all these backwoodsmen or *coureurs de bois* could settle here it would be more suitable to send girls than boys who are in much greater numbers here than the girls.

The woman named Marie Grizot, a midwife of Louisiana, to whom I read the article that concerns her is quite unwilling to take care of the sick, asserting that she came here only as a midwife and not for that other duty. I told her that I would deduct two hundred livres from the four hundred livres that his

Majesty grants annually as a fund for her wages, in keeping with the order that my lord Count de Pontchartrain gives me, but she replied to me that she would write to him and have that order changed.

I did not find any hospital at all established. I am working to establish one and for that purpose I have rented a house for the sum of two and one-half piastres per month.

Done at Fort Louis, this fifteenth of July, 1713,

DUCLOS.

Document No. 6

LETTER FROM DUCLOS TO PONTCHARTRAIN

Ministry of the Colonies, Series C. 13, General Correspondence of Louisiana, Vol. III, pages 197-207, Fort Louis (Mobile), October 25, 1713. Duclos to Pontchartrain. Spanish trade. Trouble with Cadillac. Superior Council. Illinois flour. (Letter to accompany the memoir in Vol. III, pages 209-286.

LOUISIANA.

At Fort Louis this October 25, 1713.

MR. DUCLOS.

MY LORD:

(p. 197) I have the honor to send you herewith a memoir concerning the province of Louisiana, in which your Lordship will find nothing that is not in exact conformity with the truth. I have given very scrupulous attention to putting nothing in it of which I am not certain and only after having investigated it myself. I have also composed it with that liberty that is permitted to all those who hold honor in esteem, whose first and principal concern is not to betray the truth at all and never to speak contrary to their sentiments.

I have stated in it everything that has appeared to me most advisable for his Majesty's service and to advantage of the colony, and if I have not entered into greater detail about the (p. 198) particular measures that might be taken to open up a commerce with the Spaniards, in case your Lordship might think it well to make use of it for the expenditures of the colony as I propose in this memoir, it is for the reason that they are only ideas, conceived, it is true, in the special knowledge that I have of the commerce of this country, of the character of the Spaniards and of the way to trade with them because of the fact that I went to the coast of Caracas[10] and to that of Portobello[11] several years ago and at another time resided sixteen entire months in

[10] Venezuela.

[11] On the Isthmus of Panama.

Peru. However, as they are only ideas that could not be of use to anybody because ordinarily one never follows the ideas of an other so well as his own and as also the man whom your Lordship would put in charge of the execution of this design might perhaps conceive better ones[12] and execute them at the same time more (p. 199) willingly and more easily, it has seemed to me useless to speak of mine and to enter into greater detail, in addition to the fact that this memoir is already only too long and that I hope that you will be so kind, my lord, as to grant me the prayer that I take the liberty to make you to be so good as to recall me to France because of Mr. DeLamothe Cadillac who is the governor here and with whom it is impossible that I shall ever be able to live on good terms, no matter what I may be able to do for that purpose short of devoting myself entirely to him which I do not think it advisable to do for the good of the service. I am not entering at all into a detailed account of the causes of complaint that I should have to make against him because by nature I am not at all fond of complaining or of writing against anybody, and especially because this detailed account would be too long and would only serve, my lord, to bore you, but the principal reason that prevents me from doing so, I (p. 200) shall admit it, is the apprehension that I should have that I should not be believed and that your Lordship consequently would give no credence to what I might write him.

I shall only say that Mr. DeLamothe is too crafty[13] for me and that he is capable of frustrating the most appropriate and the best planned measures that I could take for the good of the service, from the moment that I was no longer in favor with him.[14] It is this that makes me take the liberty of asking you as a favor, my lord, to please to recall me to France and to be so kind as to grant me there the post that your Lordship intended to give me there before I had thought of coming to these countries, a thing that I certainly should not have done if I had known the character of Mr. De Lamothe Cadillac to the same extent that it was unknown to me. Your Lordship can inquire of all those with whom I was associated at Dunkirk for six years when I resided there, of Mr. Duguay, the intendent, of Mr. Vergier, the controller, (p. 201) and of all the commissaries of that department with whom I was in intimate contact, and I am convinced that they will all reply to you that I am of a very peaceful and very quiet disposition,[15] that I think solely of performing the duties which you[16] are pleased to entrust to me, with all the attentiveness and integrity possible and that a man must be extraordinarily difficult to satisfy when I can not live on good terms with him. It is not, my lord, because I find this country a bad

[12] The gender shows that the reference is to the ideas rather than to the design.
[13] Again the French is *artificieux*.
[14] Literally "from the time that I should no longer be pleasing to him."
[15] *Que je suis d'un naturel tres pacifique et fort tranquille.*
[16] Literally "one".

place of residence that I am asking this favor of you; on the contrary your Lordship will see clearly by the memoir enclosed herewith that it does not appear to me impossible to render this colony very prosperous and I even hoped to be capable enough to render his Majesty services in it that would not be unpleasing to you through the especial knowledge that I may have of these countries, but as it would be impossible for me to do so, no matter what information and what good will I may have, so long as Mr. De Lamothe, who would also like to be (p. 202) the commissary here, is its governor, and as I am not presumptious enough to think that you will be pleased to recall him to France or to give him another post because I can not get along with him I find myself obliged to offer you this petition.

I hope, my lord, that you will be so much the more disposed to grant it to me because I do not doubt at all that Mr. Crozat at Mr. De Lamothe's solicitation will also ask you to do so, I expect that he will wish to use his privilege for at least one year longer because he is not accurately informed of the condition of this country, but after that time I have no doubt that he will abandon it when he sees that his commerce will not be a success for him as he had intended. But as he might be obstinately determined during this year to ask for my removal I ask you very humbly as a favor, my lord, to please not to do so as in the case of a man [who is] useless for his Majesty's service and to be so kind when recalling me to France as to give me another place where I can render services that will be pleasing to you and where I (p. 203) can also in all security execute only your orders, a thing that will be impossible for me here if I wished absolutely to live on good terms with Mr. De Lamothe.

I hope that before the vessel returns here I shall have drawn up all the accounts of the colony, which have not been drawn up for more than six years, and put all the expenditures in such a condition that I shall be able to furnish discharges for them to the treasurers[17] so that the one who might come to replace me would not have much trouble because I should soon make him acquainted with everything that concerns the colony the accounts of which do not fail to be very much confused at present.

I have the honor to inform you, my lord, that the Council is not yet established and that we have not made a single police regulation either. I do not wish at all to enter into the reasons that have prevented it. I shall only have the honor to assure your Lordship that if I had absolute authority to finish things of this sort all alone and if orders were not given me in my instructions to work at everything[18] in co-operation with Mr. De Lamothe, the Council would be established, the lawsuits that exist among the inhabitants ended (p. 204) and [there would be] more order and regulations than there are at present in the colony.

[17] Literally "and put all the expenditures in a condition to furnish discharges for them."
[18] Literally "at the one and the other," (*a l'un et a l'autre.*)

I shall have the honor likewise to inform your Lordship that we now have flour here only for next month because we were obliged to lend some to Pensacola which still owes us a three months [supply] and which it is (in) no position to return to us as I had foreseen and as I have had the honor of informing you. We have likewise been obliged to supply some to the officers, workmen, sailors and girls for whom[19] none at all had been sent, I think, and furthermore because the flour was found to be of a bad quality which has made it necessary to increase the ration. I am sending the brigantine from this place to buy some at Havana or some corn together with some pigs in sufficient quantity to last the garrison for six months, for which I will make the advances as I am likewise doing for the careening and the equipping of this brigantine, I hope, my lord, that you will please be so kind as to have me reimbursed for them when the brigantine is back from Havana. I shall also send and borrow some from Mr. Mitton, the commissary general at Léogane on the island of Santo Domingo, enough to last for four to six months because I do not expect that (p. 205) a vessel will come from France for us within ten or twelve months from the present time. I do not think that it is advisable to borrow any from Vera Cruz as has been done up to the present. The brigantine would not be back for a long time and furthermore the same weight of flour that costs fifteen or twenty livres in France is worth not less than twenty or thirty piastres there and that appears to me [to be] a very great expense.

Since my letter has been written I have just learned, my lord, that two men whom I had sent to trade for corn in the St. Louis River because the crop has failed here this year have traded for more than three hundred barrels of it. This will serve us for more than six months. I am going to send the brigantine for it and I shall now have to bring only pigs or salt bacon from Havana.

I have also just learned that there had been a large crop of wheat this year at (p. 206) the Illinois and that the Frenchmen who are established there and who have a mill there were preparing to come down here with a large quantity of flour. I shall try to make a bargain with them to furnish us with it in the future for the subsistence of the garrison. This will make it possible to dispense with sending it from France in the future. I shall have the honor to render your Lordship an account of it and I hope also that the vessel that comes next year will find the colony somewhat better provided with flour and with provisions than it found it this year although we have almost no goods in the King's warehouse now; provided, however, that Mr. De Lamothe Cadillac, displeased to see that I am working and that I may succeed in bringing it about that the colony will be well provided with everything, does not thwart me in my plans with the purpose of writing to your Lordship that I have so poorly economized the provisions that his garrison is in want of food supplies which has

[19] The gender of the pronoun (*lesquelles*) shows that the clause refers to the girls only.

been the sole object of his attention and (p. 207) of his application since he has been here.

I have the honor to be with a very profound respect,
My Lord,
Your very humble and very obedient servant,
DUCLOS.

[*Endorsed*]

Mr. Raudot investigate this. I no longer have any of the letters from Louisiana. I shall ask you for them one of these days.

Mr. Duclos, commissary of Arlac.[20]
Louisiana.

October 25, 1713.

[20] The French is: *M. Duclos Comre. d'Arlac.* I have not discovered the explanation of the title.

A HISTORY OF CONCORDIA PARISH, LOUISIANA

BY

ROBERT DABNEY CALHOUN

VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

(Continued from January, 1933, Quarterly)

SIXTH INSTALLMENT

CHAPTER XIV.

RECONSTRUCTION

THAT PERIOD in the history of Louisiana known as the "Reconstruction" period, beginning with the close of the Civil War in 1865, and terminating with the withdrawal of the Federal troops from further interference in the affairs of the State, by order of President Hayes, in April, 1877, during the early days of the first administration of Governor Francis T. Nicholls, is the darkest page in the history of our State—a time of political strife, chaos, graft and misrule—a time when the Government of the State was in the hands of the Northern "Carpet-bagger", and of his pliant tool, the illiterate negro, buttressed and en trenched by the support of the Federal Government and the strong arm of its Military—a time of oppression by the Freedmen's Bureau and of hounding by Federal Provost-Marshals—a time of direct Federal land and cotton taxes—a time involving race riots and violence in many parts of the State—a time[261] during which the titles of five State Executives and of six rival Legislative bodies were in dispute, besides involving two Presidential elections and four Congressional elections.

We will rapidly review some of the major events of this period, in order that their influence and bearing on our local situation may be more clearly appreciated.

Following the occupation of New Orleans by General Ben Butler, in 1862,[262] all that part of Louisiana which was subse-

[261] *Federal Aid In Domestic Disturbances.* (Prepared under direction Secy. of War, by Office of Judge Advocate Genl.) Senate Document No. 263, 67th Cong., 2nd Sess., Govt. Prtg. Off., 1922. Cited hereafter as Fed. Aid Doc. No. 263.

[262] Chambers, Vol. 1, p. 635.

quently overrun by the Union Army was under the military rule of Butler, and his successors, Generals Banks,[263] Shepley[264] and Canby.

In 1864, Henry W. Allen was elected Governor of that portion of the State which was not in control of the Union forces,[265] and the functions of its government were carried on from Shreveport until the end of the war; and, on June 2, 1865, Governor Allen delivered a "farewell address" to the people of Louisiana.[266]

A Constitutional Convention was held in 1864, under the auspices of the Federal Military, participated in by that portion of the State within its control;[267] and Michael Hahn was elected Governor.[268] He resigned in March, 1865, and was succeeded by the Lieutenant Governor who had been elected with him, J. Madison Wells;[269] and in the following November, Wells was elected for a full term.[270]

In the meantime, President Lincoln had been assassinated by the irresponsible J. Wilkes Booth, at Ford's Theatre, in Washington, in April, 1865, and President Andrew Johnson, whose policy towards the South was one of conciliation, but who did not possess Lincoln's tact and influence, had incurred the enmity of the advocates of the "mailed fist" in Congress, led by Thaddeus Stevens, who advocated full civil and political rights for the recently emancipated slaves, and the complete humiliation of the South. This attitude of the majority in Congress led to the impeachment and trial of Andrew Johnson.[271]

In December, 1865, a joint Committee was appointed by Congress, "to inquire into the condition of the states which formed the so-called Confederate States of America, and to report whether they, or any of them, are entitled to be represented in either house of Congress, and to report a bill or bills," etc.[272]

This Committee took testimony during 1866, the witnesses, in the main, being Federal army officers, and those known to be in sympathy with the Stevens policy.[273] The testimony, with the

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[263] *Ibid.*, p. 635.
[264] *Ibid.*, p. 651.
[265] *Ibid.*, p. 653, "Dual Government."
[266] *Ibid.*, p. 658.
[267] Fortier, Vol. 1, pp. 257, 258, 259, "Const. Conv. of 1864."
[268] Chambers, p. 653.
[269] *Ibid.*, p. 660.
[270] *Ibid.*, p. 661.
[271] *Ibid.*, p. 660; also Fortier, Vol. 2, p. 354.
[272] *Report of the Joint Committee on Reconstruction*, 1866, 1st Sess. 39th Cong., Govt. Ptg. Off.
[273] *Ibid.* As evidenced by the proceedings, character of witnesses, testimony, etc.

Committee report, makes a volume of several hundred pages, most of it extremely unfair to the Southern people.

While it is quite lengthy, we will excerpt some of the "high lights" from the testimony of Major General Lorenzo Thomas, before the Committee at Washington, April 17, 1866.[274] General Thomas had been stationed at Natchez before the War and had become acquainted with the people of this section; he was there during the War, and after the War his son leased a plantation on Lake Concordia, which the General was assisting in supervising. His testimony was very much more favorable to the South than most of the witnesses; it covers a broad field and gives us a good insight into local conditions at the time.

The witness says:

> Was acquainted with many of the planters and others who had been in the "Rebel" army; some of them of high rank, generals, colonels, etc., with whom he has recently conversed. That they were decidedly in favor of coming back into the Union; that they desired to be peaceful and quiet citizens and obey the law. Had discussed the matter with a great many persons, particularly with the better class of planters . . . Some of them had told witness they were glad slavery was gone, tho they had said freely that they did not like losing their property . . . They are disposed to submit to the abolition of slavery and to treat the blacks well. For instance, General York begged me to go to the President and obtain his pardon. He said: "I have lost everything but my plantation, and I want to go to work; I will be as loyal and peaceful a citizen as any one" . . . A person whom witness had never seen . . . threatened his life. "General York took me aside and asked me if I carried arms . . . I said not" . . . He told me of these threats, and the name of the man and advised me to do so. "I carried a pistol afterwards, but never saw the man. I mention this to show the kindly feeling towards me . . . I was one of the members of the Commission that sat on the trial of Wurz,* and the man wanted to shoot me for that reason." I observed no hostility there towards those who remained loyal to the Union, or towards Northern men . . . I have been spoken to very freely by those who own plantations they want to lease . . . they say they want Northern men with capital to come there . . . There are sixteen planta-

[274] *Ibid.*, Part 4, pp. 140-145.

* Dr. Henry Wirz, of Milliken's Bend, Madison Parish, Commander of Confederate Military Prison at Andersonville, Ga., a Southern martyr, court martialed and hanged Nov. 10, 1865, for alleged inhuman treatment of Federal prisoners of war—W. M. Murphy, *The History of Madison Parish*, La. Hist. Qy., Vol. 11, No. 1, (Jan., 1928), p. 49.

tions on Lake Concordia, and only six now cultivated by their owners; the others are leased to Northern men, and one place sold to negroes . . . A place on Lake St. John is worked by negroes, the former master furnishing mules and implements, the negroes feeding themselves and receiving half the crop . . . This does not work well; negroes have to have some one to direct them; they complain of each other . . . They do not like to work under overseers . . . They will work under their former masters where they have been kind to them . . . Negroes have strong local attachments, and they are returning to their old homes as they are discharged from the army . . . The negroes are well able to take care of themselves and make their own contracts . . . There is a great scarcity of labor there, as a large number have gone away . . . Their wages are high . . . I have heard no complaints by the "drivers", as the negroes are called who are placed in charge of the "gangs" on the plantations . . . No complaints of any character except about the deficiency of labor . . . In Concordia this year not more than one acre in ten that was formerly cultivated will be under the plow . . . The only complaints I have heard negroes make were two against Northern men who did not pay them . . . These I referred to the Provost Marshal . . . I do not think there is any need for troops in the country districts at all . . . A force is necessary at New Orleans, as negroes flock there in numbers; also there should be a force at some place on Red River, and at Natchez and Vicksburg . . . There is an undoubted prejudice there against black troops . . . I know of one collision, but it was attributable to the influence of liquor . . . Recently, a large hotel burned down in the night at Natchez . . . Colored troops came down from the Fort and worked faithfully in aiding to put out the fire . . . The Police force was there . . . After the fire was under control . . . the heads of some barrels of liquor were knocked in, and police and others used it freely . . . Some of the soldiers got intoxicated, and many blacks who had been recently discharged. A deputy Sheriff called out, "Now is the time to give it to those damned niggers" . . . An officer knocked him down . . . Four Policemen started after a negro and insisted on taking him to the guard-house . . . He ran away and they fired several shots . . . Another negro—they could not tell whether he was a discharged soldier or not—fired, and a policeman was killed . . . The Mayor requested that the soldiers be taken out of Town . . . Their officer replied that he would do so if the Mayor would attend to the Police . . . The soldiers were sent to the Fort. The undoubted sentiment of the Southern people is opposed to bestowing on the negro the right of suffrage now . . . I think the

attitude is that after the negro becomes educated and elevated, he might be given the right of suffrage . . . If representation in Congress should be based on suffrage, I think this would operate to confer that right on the negro, as the Southern people desire as much strength in Congress as possible . . . They are very anxious that their Senators and Representatives be received here; that they cannot be properly heard until they are admitted to seats in Congress . . . That is the universal sentiment; they all expressed their sorrow that they are not permitted to be represented here . . . They do not expect to receive anything for their emancipated slaves . . . They are opposed to the payment of the Confederate debt; they cannot do it; they have not the means to do it . . . Those holding Confederate bonds give them away freely; they are looked on as waste paper . . . They will give you all of it you want, showing that they do not think it will ever be paid . . . They are perfectly willing to pay taxes to pay the National debt; they expect that as a matter of course . . . Our plantation of about 1400 acres raises 1,000 bales of cotton ordinarily . . . Under the old system, 150 negroes were employed on it . . . When I went there recently, I found 61 persons—old men, old women, young women and children . . . only 16 able hands . . . We commenced breaking ground about Christmas . . . By middle of January, got 10 or 12 plows running . . . When I left the other day, we had about 75 hands . . . The number of acres cultivated by one man is about ten for cotton and two for corn . . . Each negro is given a garden plot, and some land for corn . . . They are not allowed to raise cotton for themselves, for fear they would be tempted to steal cotton from the plantation . . . The planter or his wife should have some knowledge of medicine . . . If a hand is reported sick, he is immediately sent to the house, and furnished medicine free of charge, and it is a pretty considerable item . . . Hands are not obliged to work when they are sick, nor in the rain, but are supplied with provisions as usual . . . The negroes furnish their own clothing; the planter supplies rations. The rations per week are: four pounds of pork—the fatter, the better they like it, and the best pork is the best to give them—and a peck of corn meal, a pint of molasses and as much salt as they require . . . The meal is ground fresh on the plantation each week; rations always issued Saturday afternoons . . . Every plantation has a store, furnishing its hands shoes, clothing and articles of food. Sometimes, if requested, they are given flour instead of meal . . . Generally, they supply themselves with flour, sugar, coffee, rice and tobacco . . . all negroes, old and young, use tobacco . . . There is no

> disposition to take advantage of the negroes on prices . . . I found the negroes would have to pay more in the retail stores of Natchez than on the plantations. In regard to wages: drivers, one to each gang, recieve more than ordinary hands; ordinary hands $10. to $15. per month and rations; women receive from $10. to $12. per month . . . We commenced with $12. for first class hands; but the demand for labor was so great the planters raised it to $15. That, with their food, I think, is fair wages. In ordinary times, when cotton was at its former prices, say ten cents a pound, or even as low as six cents a pound, as I have seen it sell, planters could not live at such wages. They can afford to pay these high wages at present prices . . . The risk is considerable; levees are not now in good order, and the plantations are liable to overflow at any time. I am not much in favor of the Freedmens' Bureau. I think the negroes can take care of themselves now. The Bureau might very well be dispensed with before long, tho I would retain it there for the present year. By the laws of Louisiana, negroes now have their civil rights to sue and be sued, testify and hold property . . . The negroes are exceedingly anxious for schooling; they have begged me to establish a school on our plantation; schools have not been established on the plantations; I am getting school-books from friends in New York; and the Freedmens' Bureau might be continued for a while longer to carry on the schools; the negroes are entirely loyal; they love the government of the United States; they are devoted to Northern men, although they have been badly treated by some of them . . . "If the people of Louisiana were left perfectly free to select men of their own choice to fill State and National offices, they would take them from their upper classes. As a general rule, they have always selected their most intelligent men, and that would undoubtedly be the case now. I think they would select their best men, regardless of whether they took an active part in the rebellion or not; but I must say that almost all of their best men have been engaged in the rebellion."

Following the report of the Congressional Committee, Congress passed the Act of March 2, 1867,[275] and supplementary acts of March 23rd. and July 19th—which declared[276] that no legal government existed in any of the seceding states, and divided them into five Military Districts, each under the command of a General

[275] 14 Stat. L., 428; Davis, Jefferson, *"Rise and Fall of Confederate Government,"* Vol. 2, pp. 730, 731, 732.

[276] Fed. Aid. Doc. No. 263, p. 90.

Officer of the Army, and provided for sufficient military forces to enforce his authority. It was made the duty of these Military Commanders to make a registration of legal voters, who should elect delegates to a Convention to frame a new Constitution, to be approved by Congress, after which, the State having ratified the 14th. Amendment to the Federal Constitution, would be restored to its former relations. These acts were later supplemented by the so-called Civil Rights act [277] of May 31, 1870, designed to insure the negro full suffrage—and they are generally known as the "Force Bills."

Major General Phil Sheridan was designated as Commander of the Fifth Military District, which included Louisiana.[278]

The first riot in Louisiana occurred July 30, 1866.[279] An attempt was made to reassemble the defunct Constitutional Convention of 1864, at Mechanics Hall, New Orleans. This was opposed, and President Johnson telegraphed[280] Governor Wells July 28th to know by what authority the Convention was being called together. On July 30, he telegraphed Andrew Herron, Attorney General of Louisiana:[281]

> "You will call on General Sheridan, or whoever may be in command, for a sufficient force to sustain the civil authority in suppressing all illegal or unlawful assemblies which usurp or assume to exercise any power or authority, without first having obtained the consent of the people of the state. If there is to be a Convention, let is be composed of delegates chosen fresh from the people of the whole state. The people must first be consulted in reference to changing the organic law of the State. Usurpation will not be tolerated. The law and the Constitution must be sustained, and thereby peace and order."

This telegram was not received, or communicated to the Military authorities until after the riot.[282] At noon on July 30th, a small fraction of the membership of this old Convention assembled at Mechanics Hall, and during the riot which ensued, 38 people were killed, 48 severely and 99 slightly wounded.[283]

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[277] 16 Stat., c. 114, p. 142.
[278] Fortier, Vol. 2, p. 354; Davis, *"Rise and Fall of Confederate Government,"* Vol. 2, pp. 656, 657.
[279] Fed. Aid Doc. No. 263, pp. 112-120.
[280] *Ibid.*, p. 115.
[281] *Ibid.*, p. 115.
[282] *Ibid.*, p. 116.
[283] *Ibid.*, pp. 116-118; Chambers, Vol. 1, pp. 661-663; Fortier, Vol. 2, pp. 376-380, "Riot of 1866."

General Sheridan, on June 3, 1867, summarily removed Governor Wells from office, and appointed B. F. Flanders,[284] who resigned in January, 1868,[285] to be succeeded by Joshua Baker who served until July, 1868,[286]—these men being merely "rubber stamps" for the Military regime.

Another Constitutional Convention was held in New Orleans in the winter of 1867-1868, the election of delegates to, and the election thereafter ratifying its labors, being under the control of the Military.[287]

Articles 98 and 99 of this Constitution gave to the negro right of suffrage and disfranchised a large part of the legitimate electorate of the State; the Constitution further providing that the incoming General Assembly should vote on the ratification of the 14th. Amendment to the United States Constitution.[288]

Simultaneously with the election for the ratification of the Constitution, 17th. and 18th. of April, 1868, all State, parochial and other officers were elected.

At this election, Henry Clay Warmoth, a native of Illinois, with the Union Army at the siege of Vicksburg, and later with the Banks expedition up Red River, and first heard of in the political life of Louisiana in November, 1865, when the Radical Republicans claimed his election to Congress as a Delegate from Louisiana, was elected the first civil Governor of Louisiana under that Constitution.[289]

The Assembling Legislature ratified the 14th. Amendment; and on July 13, 1868, the Military Department issued an address to the people of Louisiana,[290] to the effect that "the provisions of the Reconstruction Acts of Congress cease to operate in Louisiana from this date," which, however, did not prove to be the fact.

During 1868 there were race troubles and sanguinary conflicts in several of the Parishes, and most notably in Franklin, St. Landry and St. Bernard.[291]

At the opening of the session of the Legislature in 1871, a fierce factional fight developed in the ranks of the "Carpet-baggers," one faction being headed by Governor Warmoth and the negro P. B. S. Pinchback, and the other by Lieutenant-Governor

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[284] Fed. Aid Doc. No. 263, p. 120.
[285] Fortier, Vol. 1, p. 409.
[286] *Ibid.*, Vol. 1, pp. 58, 59.
[287] *Ibid.*, Vol. 1, pp. 259-262, "Const. Conv. of 1867-8"; Chambers, Vol. 1, 663-665.
[288] Fortier, Vol. 1, pp. 270-273, "Const. of 1868."
[289] Fortier, Vol. 2, p. 606, "H. C. Warmoth—Warmoth's Adm."; Chambers, Vol. 1, p. 665; Fed. Aid Doc. No. 263, p. 121.
[290] Fed. Aid Doc. No. 263, p. 121.
[291] *Ibid.*, pp. 122, 123.

Dunn, and U. S. Marshal Packard.[292] During this session, the expenses of the Legislature (not appropriations) amounted to $958,956.50, or $113.00 per day per member. A Committee, subsequently appointed, reported "raised" warrants amounting to nearly $300,000.00. At its next session, in his message to the General Assembly, the Governor said:[293]

> "A careful calculation of the expenses of the General Assembly...shows that the legitimate expenses of both houses ought not to exceed $25,000.00. Then what has become of the excess of $833,956.50? It has been squandered by the officers of the Assembly in paying extra mileage and per diem for days' services never rendered; for an enormous corps of useless clerks, pages, etc.; for publishing the journals of each house in 15 obscure newspapers, some of which never existed; in paying Committees authorized by the House to sit during vacation; to travel throughout the State and into Texas; and in a hundred other different ways. The enrollment committee of the House had over 80 clerks...at $8.00 per day, during which time only 120 bills were passed, which did not require more than eight or ten clerks to perform the whole labor of enrollment."

With the assembling of the Legislature in 1872, the two Radical factions were both attempting to function and gain control, meeting in separate halls. Mobs were formed, and several people were wounded, and one member killed. Warmoth called to his aid his Metropolitan Police, an organization something on the order of a State Militia, and composed largely of negroes. Federal interference was sought by both sides.[294]

On November 22, 1871, Lieutenant-Governor Dunn died, and the Senate, in extra session, elected Pinchback to the vacancy.[295] There were several other embroglios and Congress sent down a Committee to investigate. Three members of the Committee reported that the whole matter was a quarrel between Republican factions. A minority report was made, from which we excerpt the following:[296]

> "A series of infamous laws had been passed, placing imperial powers in the Governor's hands, which he had used with a reckless disregard of the interests of the peo-

[292] Fortier, Vol. 2, p. 611; Chambers, Vol. 1, p. 669; Fed. Aid Doc. No. 263, pp. 124, 125.
[293] Fortier, Vol. 2, p. 611—"Warmoth's Adm."
[294] Fed. Aid Doc. No. 263, pp. 124, 125.
[295] Fortier, Vol. 2, p. 612.
[296] *Ibid.*, Vol. 2, p. 613.

> ple, and with the double purpose of enriching himself and his friends, and of perpetuating his control of the State . . . Under the law, elections were a farce. The Governor appointed the Registrars, and through them returned his friends to the Legislature and defeated his enemies. In several cases persons held seats in the House from parishes in which they had never resided, and in which they were absolutely unknown. In one case, a friend of the Governor was elected in a private room in a New Orleans hotel, at midnight, to represent a parish a hundred miles away . . . In 1868, the debts and liabilities of the State were $14,000,000.00, and in 1871, three years later, they were $41,000,000.00 . . . The world has rarely known a legislative body so rank with ignorance and corruption . . ."

Warmoth was deserted by Pinchback, who became allied, in 1872, with the faction which nominated William Pitt Kellogg for Governor; C. C. Antoine, (negro), for Lieut. Governor; P. G. Deslondes, (negro), for Secretary of State, Charles Clinton for Auditor; A. P. Field for Attorney General; W. G. Brown, (negro), for Superintendent of Education, and Pinchback for Congressman-at-Large.[297]

The Democrats, Reformers and "Liberal" Republicans fused and nominated John McEnery for Governor and Davidson B. Penn for Lieutenant Governor, and a full State ticket.[298]

The Returning Board of which Governor Warmoth was Chairman certified the McEnery ticket elected. A rival Returning Board, of which John Lynch was Chairman, certified the election of Kellogg and his State and Legislative ticket.[299]

The members of the Legislature, certified by the Lynch Board, met at Mechanics Hall, December 9, 1872, with Pinchback presiding, and suspended Governor Warmoth from office, pending trial upon impeachment "for high crimes and misdemeanors";[300] and Pinchback assumed to act as Governor, and was recognized by President Grant and supported by the Military.

The rival Legislatures met January 7, 1873, and on the 14th, Kellogg took the oath of office as Governor at Mechanics Institute, and at the same time, John McEnery, Democrat, took the oath at City Hall.[301]

Kellogg was a native of Vermont, having seen some service in the Union Missouri campaigns, and around Corinth, Missis-

[297] *Ibid.*, pp. 613, 614; Chambers, Vol. 1, p. 670; Fed. Aid Doc. No. 263, p. 125.
[298] *Ibid.*
[299] Fed. Aid Doc. No. 263, p. 125; Fortier, Vol. 2, p. 361, "Returning Bds."
[300] Fed. Aid Doc. No. 263, p. 125.
[301] *Ibid.*, p. 127.

sippi; from 1865 to 1868, he was Collector of the Port of New Orleans, and was nominated by the Radicals to the U. S. Senate in 1872.[302]

Both Legislatures proceeded to function, with armed conflicts imminent. On the 6th of March, a body of armed police arrested members of the McEnery Legislature and carried them to jail. Representations were made to the Federal Government for recognition of the McEnery government, but President Grant accepted the findings of the Lynch Board.[303] Disorders broke out all over the State. There were riots in Ouachita and other parishes. Predatory bands of negroes rode about, threatening murder and outrage and burning houses.[304] In April, 1873, some three hundred negroes seized the Town of Colfax; the Sheriff and a posse of several hundred men, recruited from this and other sections of the State, moved against them. About sixty negroes were killed and the Court House and its contents was destroyed. There was a heavy casualty list on the other side, but the negroes were thoroughly disciplined.[305]

Matters reached such a pass, that on the 14th of September, 1874, thousands of citizens of New Orleans met at the foot of Canal Street and declared Kellogg a usurper, and appointed a Committee to demand his immediate abdication. He refused. Whereupon, Lieut. Governor Penn, in the absence of McEnery, called out the citizens and militia to drive the usurpers from power. This organization, the "White League," was attacked, on that afternoon, in Canal Street, by about five hundred of Kellogg's Metropolitan Police, heavily armed, and supported by three pieces of light artillery. In the fight which ensued, the Metropolitan Police were routed; and, the next morning, the Arsenal and State House were taken, and Kellogg took refuge in the Custom House. The White League lost 16 killed and 45 wounded; and the Metropolitan Police 11 killed and 60 wounded.[306]

United States troops were rushed to New Orleans, and the Kellogg Government was reinstated through their aid. McEnery made a formal surrender—under protest—and the Kellogg Government continued to function, somewhat more circumspectly, it is said.[307]

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[302] Fortier, Vol. 1, p. 605—"W. P. Kellogg."
[303] Fed. Aid Doc. No. 263, pp. 128, 129.
[304] *Ibid.*, p. 126.
[305] *Ibid.*, p. 128; Chambers, Vol. 1, pp. 672-677; Johnson, Manie White, *The Colfax Riot of April, 1873*, La. Hist. Qy., Vol. 13, No. 3, (July, 1930), pp. 391-427.
[306] Fed. Aid Doc. No. 263, pp. 130, 131; Chambers, Vol. 1, pp. 684-687; Fortier, Vol. 2, pp. 641-645.
[307] *Ibid.*

In 1876, the Radicals nominated Stephen B. Packard, a native of Maine, for Governor. He had been appointed U. S. Marshal by President Grant, in 1871, and was the leader of the faction opposing Warmoth.[308] The Democrats nominated Francis T. Nicholls. Both tickets were certified elected by opposing Returning Boards.[309]

Nicholls was inaugurated at St. Patrick's Hall, New Orleans, January 8, 1877, Packard being in possession of the State House. The "White League," under General Fred N. Ogden, took possession of the police stations, the arsenal and the Court House.[310] Apparently, the sanguinary events of September 14th. were to be repeated. Packard appealed to President Grant for recognition and military support, to which Grant, through his Secretary replied:[311]

> "The President directs me to state frankly that he does not believe public opinion will longer support the maintenance of State governments in Louisiana by the use of the military, and that he must concur in this manifest feeling. The troops will hereafter, as in the past, protect life and property from mob violence when the State authorities fail; but under the remaining days of his official life, they will not be used to establish or to pull down either claimant for control of the State. It is not his purpose to recognize either claimant."

Immediately following the inauguration of President Hayes, March 4, 1877, he sent a Commission to New Orleans to investigate and report on the status of affairs. It was courteously received; and the Nicholls Legislature passed a resolution, setting forth the policy of the Nicholls government, viz: to accept in good faith the 13th., 14th. and 15th. Amendments; the rigid and impartial enforcement of the law; the promotion of kindly relations between the white and colored people of the State, and the education of all classes of its people. This resolution, approved by Governor Nicholls, was transmitted to the Committee, and two days after its report to the President, the troops were ordered withdrawn from all further interference in the State's affairs. Packard, being without Federal backing, abandoned his pretensions.[312]

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[308] Fortier, Vol. 2, p. 289.
[309] *Ibid.*, Vol. 2, pp. 365, 366—"Returning Boards."
[310] *Ibid.*, pp. 259, 260—"Nicholls' Administration."
[311] *Ibid.*
[312] *Ibid.*, pp. 260, 261.

Another Constitutional Convention was held in 1879, which removed the objectionable proscriptions to the right of suffrage contained in the Constitution of 1868.

The establishment of "White Supremacy" had been a tedious, difficult and sanguinary process. The last chapter was written by the Constitution of 1898, limiting the right of suffrage to those who possessed certain property and educational qualifications, and requiring the production of two poll-tax receipts as a condition precedent to voting, etc.

From July, 1868, to March, 1871, John S. Harris sat in the United States Senate from Louisiana. Harris was a "Carpet-bagger," and brother of Sheriff A. B. Harris. He was born at Truxton, N. Y., in 1825; came to Concordia Parish in 1863, where he engaged in planting, and was a member of the Constitutional Convention of 1867, and of the State Senate in 1868.[313]

* * *

Our critics may ask, why relate this protracted conflict of the Titans, in a history of Concordia Parish? Our answer is that, when the Titans pulled the strings, the marionettes in every little country court house and at every cross-roads polling booth proceeded with the dance. The small potatoes were no less rotten than the big apples. Napoleonic assaults on the State Treasury set the precedent for less spectacular assaults on the lean and flabby parish purse. Every strata of our social, economic and political life was affected by the doings at Washington and in the Executive Chambers and Legislative Halls at New Orleans. The same illiterate, dishonest and sweating black men, who bawled "Mistur Speeker" and perfumed our Legislative Halls with an overpowering odor, while they carried out the unscrupulous designs of their shrewder masters, were the purgings of local communities in the throes of intense political travail.

With a negro population, in 1870, of over nine thousand, and a white population of only a few hundred, conditions in Concordia Parish were no worse, and, perhaps, better than in many other parishes. Our substantial citizens were forced to engage in election manipulations and to make political dickers and alliances, from force of necessity, and not from choice, which would be reprehensible today. They fought fire with fire, as best they could, while they prayed for the dawning of the new day of white supremacy.

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[313] Fortier, Vol. 1, p. 492.

We shall not attempt, in these pages, to narrate in detail all that occurred here. As to the Legislature, under the Constitution of 1868, Concordia was divorced from Tensas and put in a Senatorial District with Avoyelles, and we had as our Senators the "Carpet-baggers" John S. Harris and Albert B. Harris and the negro political boss, David Young. We had negroes in the House. In the Nicholls-Packard contest of 1876, four negroes claimed to have been elected to the Lower House, George Washington and Anderson Tolliver, who espoused the Packard ticket, and William Ridgely and James Randall, adhering to the Democrats. Ridgely and Randall were seated.

We had Albert B. Harris for Sheriff in 1868, and four negro Sheriffs in the '70's, James Franklin, Oren Stewart, John Young and James Randall.

We had three negro Clerks of Court, T. P. Jackson, E. W. Wall and J. P. Ball; and innumerable negro Justices of the Peace and Constables, Police Jurors and School Board members and Election Commissioners. Our Grand and Petit Juries were of a dark complexion—and "Old Glory" was required by statute to flutter in the breezes over the Temple of Justice!*

We had no riot in Concordia Parish, but the disturbance in Tensas, in October, 1878, was on our Northern border and extended down to Lake Concordia. We have some interesting accounts of this in the issues of the Natchez Daily Democrat and Courier, and Mr. James Lambert, of the Natchez Democrat, has generously permitted us the use of his files.

In the issue of the Democrat and Courier of October 15, 1878, we find the following communication from Col. Wade R. Young:

> "Having just returned from the unfortunate occurrence in the Parish of Tensas which resulted in the death of Captain Peck, and the wounding of three negroes, I beg to communicate to you a statement of the facts.
>
> Mr. Francis Shields and myself went by appointment to meet the members of the Executive Committee of the Democratic Party in the Parish of Tensas, at the house of Mr. Goldman, about two miles above Waterproof. On reaching Waterproof, we were advised that there was a strict quarantine against the Parish of Concordia, and that we would not be allowed to enter the Town, but we were very considerately allowed to pass around and proceed to our destination.

* Act No. 35 of 1868.

We found the people of the Town and neighborhood very much excited, on account of the course pursued by Alfred Fairfax, the local negro leader and his followers, who had drawn the color line, and were stirring up the passions of the negroes, and threatening to come with five hundred armed men, and override the quarantine in Saint Joseph, as was threatened to be done by John Young, the negro Sheriff, in the case of the Town of Vidalia.

The Democrats of the Parish had, a few days before, selected their ticket, composed of two members of the Legislature and a Sheriff who had always affiliated with the Republican Party, and, in fact, supported Hayes and Packard in 1876, but were good men and enjoyed the confidence of the people. This course seemed to give umbrage to Fairfax and a few of the worst of the leaders, and they had called a Convention to meet at Saint Joseph to nominate a straight-out black ticket. On account of the presence of Yellow Fever, the Town was strictly quarantined against all persons without, and the authorities notified them that they would not be permitted to enter the quarantine limits. To this, they replied that they would come with five hundred armed men and ride down the quarantine guards. As the negroes of the parish outnumbered the whites ten to one, the people were naturally alarmed; and as Captain John Peck, of Sicily Island, in Catahoula Parish, commanded the nearest Company of State troops, they applied to him to come into the Parish and visit Fairfax in person and remonstrate with him, and notify him that the State troops were present to sustain the authority of Tensas Parish. To this, Captain Peck readily acquiesced, and reached Waterproof, with a few men, about dark on Saturday evening. He proceeded at once to the house of Fairfax, about a mile above Town; and dismounting from his horse, and expecting no evil, walked up on the gallery for the purpose of knocking at the door. As he entered upon the gallery, two shots were fired from the house, and he fell dead. The few men with him returned the shots, wounding three negroes in the house. They then immediately returned with the body of Captain Peck to his home in Catahoula.

On reaching the scene of the disturbance next morning, with Judge C. C. Cordill, the Parish Judge, we found Fairfax and his followers bold and defiant, and refusing to submit to arrest. Judge Cordill issued a warrant for the arrest of Fairfax, and placed it in the hands of the Sheriff, but having no force sufficient to overcome resistance, and fearing to provoke a conflict, it was deemed unsafe to attempt to execute the warrant until aid could be obtained.

> The negroes are congregating about the Town of Waterproof, from this Parish and Tensas, with arms, and threatening to sack the Town. The State troops have been summoned from neighboring Parishes, and it is hoped that a sufficient force will be assembled to overcome the negroes and disperse them without further bloodshed.
>
> In the death of Captain Peck, we have to deplore the loss of a most useful citizen, equally marked for his courage and moderation, and for his many social qualities. He leaves behind him a wife and several children, entirely dependent."

The Natchez Democrat and Courier, of October 18, 1878, carries the following editorial:

> "We have what we believe to be accurate information in regard to the disturbance in Tensas Parish. Reports which have been circulated so extensively have been exaggerated. On Monday last, the negroes in large numbers passed through Waterproof, on their way to a mass meeting some miles above the Town; and, in passing, some of them were very insulting and threatening in their language. The citizens of Waterproof, doubtless, had good cause for apprehension, and a messenger was sent to this City, asking for aid to save the lives and honor of the women and children and the property of the Town. A meeting at once assembled at the Armory of the Adams Light Infantry, and under the advice of the most prudent men of the community, a company of men to the number of about one hundred, volunteered to go to Waterproof and learn the true state of affairs, prepared, if necessary, to protect lives and property.
>
> The steam ferry boat was procured, and the party left about twelve o'clock and reached L'Argent Landing about daylight. There, a cannon was fired to announce their approach to the people of Waterproof, some three miles distant. Several persons from the shore came to the boat, and the pleasing information was obtained that there was probably no need of assistance. To thoroughly satisfy themselves, however, they proceeded to Waterproof, where they were met by the authorities of the Town, and the information received at L'Argent Landing was confirmed. At the urgent request of the citizens, the party went ashore and were entertained during a part of the day and returned to this City that night. The editor of this paper used every effort to satisfy himself in regard to the facts, and found nothing to induce him to believe that any negroes had been killed. Three persons were wounded in the house of Fairfax Saturday evening last, when Captain Peck was fired on and killed, two of whom were thought

to be mortally wounded. There is no evidence that a conflict occurred other than that which took place at Fairfax's house. The gin on the Burn Plantation was burned, with, it is said, some sixty or seventy bales of cotton.

When the party from this City arrived, and a blank charge was fired from their six-pounder, the greatest consternation prevailed among the negroes of the Parish; but when they found out who composed the party, and from whence they came, they seemed to be much relieved. Our conclusion, from what we have personally seen, is that while the colored people of Tensas and some of the adjoining Parishes, have acted in such an impudent and threatening manner as to cause serious apprehension on the part of the people of this Parish, there has been no probability at any time of a dangerous outbreak."

In a statement published in the Democrat and Courier of October 20, 1878, James R. Curell, takes issue with some of these editorial statements, and with other statements in the issue of the paper of the 19th. He says:

"In your correction this morning of what I considered an error in your account of yesterday, you state: " 'He says there was a conflict in the Bass Lane on Tuesday; and the *posse comitatus,* headed by Captain Trezevant, consisting of persons from Franklin Parish, were fired on some eight times by colored men, and finally returned the fire and gave chase." ' In our conversation of yesterday, I stated that the posse which was fired upon at the Bass Lane was headed by the Sheriff and the Parish Judge, who were riding down with some fifty men, half of them from the neighborhood and half from Franklin Parish, to see that peace and quiet were restored, in obedience to proclamation issued and circulated on Monday by the Parish Judge, ordering the people to go home and attend to their work, instead of running around the Parish with arms in their hands.

The cause of this proclamation and the posse which followed, was the assembling of armed colored men on Saturday and Monday and parading threateningly through the roads of the Parish. On Monday, after the Club from L'Argent rode through Waterproof, 75 or 100 strong, all armed with shot-guns and other weapons, two Clubs, or parts of Clubs, equally armed, came up from Concordia, and menacingly established themselves on the front street of Waterproof, where they remained until eleven o'clock at night. Nothing, seemingly, but the intervention of Providence, could prevent a conflict that day, and the arrival of the Sheriff's posse was apparently the only

> thing which prevented bloodshed in Waterproof on Tuesday, as the negroes were assembling in large numbers, and announced that the Clubs from Fairfax's church were coming down to have a settlement of their rights. The threats heard by myself as well as others, that they were going home to arm and assemble and come back to murder and plunder and outrage, were enough to alarm the people of that community, and necessitated prompt preventive and protective measures on the part of the authorities."

From communications from Wilmer Shields and others, who went from here to Waterproof on the ferry-boat, and published at the time, we judge that the negroes had been completely dispersed and disciplined by the posse the day before the arrival of the boat.

The writer has discussed this matter with Judge Hugh Tullis, who was a resident of Saint Joseph, and who was in the party numbering, as he says, about one hundred men, which went from Saint Joseph to Waterproof on Tuesday morning. About half of the party, he says, was armed with rifles and the balance with shot-guns; and that when they reached the Bass Lane, about a mile above Waterproof, they came upon the band of perhaps a thousand negroes. That some of the posse advised waiting for reinforcements, but that Judge Cordill said that he and four others had routed a whole Company of negro soldiers near Waterproof during the War, and that he knew that they would not stand and fight. He ordered his posse to charge the negroes at full speed, yelling as loudly as they could, which was done. The negroes fled precipitately down the Lane, in a dense cloud of dust, the posse after them, discharging their weapons and yelling—the negroes rolling off of their mules and ponies and crawling through the bois-d'arc hedges on each side of the Lane and hiding in the cotton fields. The negroes were thoroughly disciplined and intimidated by this demonstration against them. Fairfax escaped from the Parish and did not return. Judge Tullis also informs us that troops from different parts of the State had been requisitioned, unnecessarily, by excitable persons, and the call was countermanded.

However, a party of five hundred men, led by General Theobalds, and among whom was the late Colonel Fred Hudson, of Monroe, came down through Tensas and upper Concordia, and gave the negroes a demonstration of what they might expect if they persisted. Some of this party was fired on by a bunch of

negroes, on the Morvin Plantation, on Lake Concordia, according to news stories appearing in the Democrat and Courier at the time; and it is both asserted and denied, in these news stories, that several negroes were killed in that section of the Parish. The writer notes in the minutes of the Police Jury meeting of December, 1878, that a bill was presented for the holding of eight Coroner's Inquests, which he thinks is significant.

Returning to the political situation in Concordia in 1878, we quote the following communication, signed "Spectator," appearing in the Natchez Daily Democrat of October 15, 1878, as giving us some picture of the times:

> "The Republican Convention met punctually at twelve o'clock on the 12th. instant. Senator Young being Chairman of the Executive Committee, called the Convention to order. He anticipated the Randall men and completely outgeneraled them, by filling the house, before the Convention met, with men favoring his cause, thereby leaving no room for Randall's forces. The Senator had not finished stating the object of the Convention before a most deafening uproar commenced in nominating a Chairman. It was a perfect pandemonium and impossible to hear whose name was called. . . The Conservative Democrats who, as peace officers of the Town of Vidalia, were ordered by the authorities to clean out the house, thereby jeopardizing their lives for the sake of preserving order in a Republican Convention. It is the first time in history that a political party took possession of the Convention of the other party, merely to preserve order and prevent a row. We would call such noble interference the quintessence of folly, and in future we hope our most zealous citizens will not be so willing to defend the door of the Republican Convention. After the house was cleared by the peace officers, only delegates were allowed to enter, and the officers closed the doors and protected them. The meeting soon adjourned for fifteen minutes, with two Chairmen, and two Committees on credentials. The Hon. Dave Young then purposely left the door open, so that when the Convention was called to order for the Committees to make reports, the house was filled with his friends, who would not listen to their opponents and shouted them down. The Chairman, whenever his opponents rose to make a motion, would call to order and never put the motion unless it suited him. He was nominated for the Legislature and his brother for Sheriff . . ."

From the Natchez Daily Democrat of November 3, 1878:

"There was quite a large gathering of people of Concordia Parish at the Vidalia barbecue yesterday, and judging from the spirit evidenced at the meeting, there is good prospect of the fusion ticket on Tuesday next. We visited Vidalia during the meeting, and arrived there while John Tatum, a very intelligent and level-headed and conservative colored man was speaking. From the general tone of his remarks, we think the colored people of Concordia would lose nothing by following his advice. Tatum was followed by T. P. Jackson, who, in a twenty-minute speech, gave his race a discourse which we think should be engraven upon the hearts of every one of them, and should be remembered by all the colored people who heard it . . . Mr. S. W. Campbell, of Black River . . . gave to both whites and blacks some excellent suggestions, and we think convinced most of his hearers that he was the man for the position to which he has been nominated. Mr. Charles A. Pipes then took the stand and made one of the best speeches that we ever heard from his lips, which is saying a great deal for his address. Mr. George Walton, candidate for the Legislature, was next, and from his address, to say nothing of our previous knowledge of his character, we are satisfied that both the black people and the white people of the Parish will make a great mistake if they do not return him to the Legislature. General Martin, Captain Lambert, James Randall, and others, we understood, made most impressive speeches . . .

The barbecue, under the charge of Robert Rudd, was all that could be desired and was served up in excellent style. After observing the people of Vidalia, and after conversing with many of the citizens of Concordia, we are inclined to believe that the infamous defaulter, Dave Young, has played his last card, and that he and his associates will be defeated at the election of Tuesday next. We regret to learn that a telegram was received from Governor McEnery, stating that General J. Floyd King had been seriously ill at Monroe, but is now convalescing. This illness prevented his presence at the Democratic meeting yesterday."

Quoting from the Natchez Daily Democrat of November 8, 1878:

"Over in Vidalia yesterday, Dave and John Young gracefully accepted the defeat which they met on Tuesday. Sheriff John Young proclaimed the official returns from the Court House steps, and a roaring salute was fired in honor of the successful fusion ticket. Among the officers

elected, was our friend Tom Brady, as Magistrate, Mr. Brady had been a King man, and had just heard the gratifying news of General King's election," (to Congress), "previous to going home. On reaching the house, he received the news of the advent of a little boy Brady. "What will you name him, Tom?", asked the attendant. "General John Floyd King Brady," exclaimed the proud father, and there are now two John Floyd Kings in the District."

We might add that Tom Brady was a famous practical joker and was in Vidalia for many years thereafter.

With regard to the statement in the Natchez Daily Democrat that Dave Young had gracefully conceded the election of his opponent, Col. Walton, in the next issue of the paper, Young had a card in which he stated that this was not literally correct; that he had been elected but counted out in certain boxes, named, but that he would not contest as he was satisfied that the fusion ticket would be seated in the Legislature. His real reason was that suit had been instituted against himself, and sureties, for embezzlement of school funds, and he had reason to believe that it might be withdrawn or compromised, and a criminal prosecution avoided by his refraining from further political agitation.

The Constitution of 1879 put Concordia back in a Senatorial District with Tensas. Col. Walton was elected to the Senate along with the Democratic ticket headed by Governor Louis A. Wiltz and Lieut. Governor S. D. McEnery. Walton was elected President *pro tem* of the Senate. When Governor Wiltz died, in 1881, and McEnery became Governor, Colonel Walton automatically succeeded to the duties of Lieutenant Governor for the rest of the term, or until 1884.

(To be continued)

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LVII.

June - July, 1746.

(Continued from January, 1933.)

By HELOISE H. CRUZAT.

Marginal Notes by Henry P. Dart.

June 29. 2½ pp. Copy.

See preceding entry. Jan. Qy.

Aufrere, agent of the D'Auseville heir, advises the Council that Barbin has obtained a decree in St. Malo, France, ordering this petitioner to account for the said succession. He asks that execution of this order be stayed until authentic confirmation of same arrives from France.

Petition to Mr. Le Normant and to Members of the Superior Council of the Province of Louisiana, by Antoine Aufrere, acting under procuration of the heiress of deceased Sieur D'Ausseville, former Attorney of Vacant Estates, stating that Sr. Barbin, Attorney of Vacant Estates obtained on the second day of last April, from the jurisdiction of Saint Malo, a decree against petitioner to render account of all funds of the succession of the late Sr. d'Ausseville, which cannot be sufficient authority to act against such an extended procuration as that given to Aufrere, who has besides furnished security for what is in his possession, wherefore he prays for reprieve of execution of said decree until there arrives here more authentic confirmation to the substitute attorney, petitioner's only object being to justify his conduct. A collated copy of the original, dated June 30, 1746, signed by Henry, Greffier, who acknowledges receipt of five livres.

Certification by Aufrere that this copy was drawn from the Registry to be presented to the Superior Council, to do justice. Signed: Aufrere.

Document badly stained, torn with curled margins and generally in bad condition but in Sorbonne script, with the exception of the certifications and signatures of Henry and Aufrere.

June 30. Listed SSS. 3¼ pp.

Succession of Durantay

Barbin, attorney for Vacant Estates, asks that protesting creditors of Durantay's estate be ordered to appear and that a judgment be rendered entitling him to proceed with the settlement of the estate.

Petition to Superior Council by Nicolas Godefroy Barbin, Attorney of Vacant Estates, stating that at the time inventory was taken Sr. Louis Morisset claimed a negress of said estate whom he (B) affirmed had been sold by Bouscaron to said Durant. As it is urgent to sell the negress and to remit the notes which were inventoried and cannot be recovered at Pensacola, he prays that the

protesting creditors be cited before the Council at its next session to produce their titles, otherwise to proceed to judicial sale without regard to claim of Sr. Morisset and the returns thereof remitted to the petitioner until settlement of accounts of said succession. Signed: Barbin.

Order for citation signed: Raguet.

Held as notified: Signed: Layssard freres.

June 30. Notice of citation served on Sr. Maison, merchant of New Orleans at his domicile; by Sheriff Lenormand.

Stained and torn.

July 2. No. 1096. 3½ pp.

Judgments rendered by the Superior Council.

Session of the Superior Council of July 2, 1746, where were present: MM. Le Normant, First Councillor; Raguet, Prat, Councillors, de Benac, Major; Le Bretton, Councillor.

Judgments in following cases:

Brosset vs. Dauphin.

1. Sr. Brosset, plaintiff, vs. Jean Joseph Dauphin, defendant: Parties to pass act, before notary, of the sale contested. Costs compensated.

Saunier vs. Ducret.

2. Pierre Saunier dt Languedoc, plaintiff, vs. Nicolas Ducret, dt Belhumeur, defendant: The Attorney General of the King orders that a tutor and under tutor be elected to the Dormoy minors and then to proceed to an inventory of goods of community and division, before Councillor Raguet. Costs pending.

Barbin, attorney of vacant estate vs. Morisset et al.

3. Sr. Barbin charged with succession of deceased Durantay, plaintiff, vs. Sieurs Morisset, Layssard, Henry and Chantalou, creditors of said succession, defendants: Council orders that negress in contestation be sold in the usual manner. Costs reserved.

Tesson vs. Attorney of Vacant Estates.

4. George Tesson, plaintiff, vs. the Attorney of Vacant Estates, defendant, concerning succession of deceased Jean Merle: Council refers parties to the Procureur General of the King, after which the Attorney of Vacant Estates is ordered to render account of Merle estate within a month. Costs pending.

Augustin, agent of Bourgerel vs. Sevet.

5. Augustin acting under procuration of Sr. Bourgerel, plaintiff, vs. Sr. Pierre Sevet, defendant: Council following decree of May 7, orders execution of order of seizure and condemns plaintiff to pay costs.

Carriere vs. Tisserant.

6. Andre Carriere, plaintiff, vs. Sr. Tisserant, husband of widow of deceased Andre Carriere, defendant: Council dismissed case.

Barbin, attorney of Vacant Estates vs. Aufrere.

7. Mr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Sr. D'Ausseville, plaintiff, vs. Sr. Antoine Aufrere, defendant: Council orders that the Governor be called on to lend a hand to imprison Mr. Aufrere.

This last phrase is worn to pieces and the whole document is stained, charred and torn and in such condition as to be almost illegible.

July 3. (27432.) S. S. S. 1 p.

Order of Council to sell a slave at auction.

Decree of the Superior Council dated July second, to proceed on the ninth of the present month with the sale of a negress, piece d'Inde, at nine o'clock in the morning, before Mr. Raguet, adjudication to be made to the highest bidder on cash payment. Notices to be posted in ordinary places.

Signed: Lenormand.

July 5. 2 pp.

Bourgine vs. LaBrosse. Answer of the defendant.

Defense and Answer by Sr. La Brosse to demand of Sr. Piemont. He does not deny that Sr. Bourgine made an advance to him of 1438 livres before leaving for France, but he would not have been in need of it had Sr. Bougine allowed him time to collect what was due to him. He ordered the notes of creditors left in possession of Mr. Hersan, who gave receipt for same, and an order at the same time to reimburse him on returns of said notes, the receipt given into the keeping of his wife in order to have recourse later on. At La Rochelle, defendant also gave receipt to Sr. Bourgine for the whole sum left with Sr. Hersan. At this day the plaintiff only produces the certified bill of Mr. Bourgine without the receipt made for Hersan as well as for Bourgine; wherefore he prays that Piemont's claim be denied until he produces receipts and notes which were deposited as security.

Signed: LaBrosse.

2¼ pp.

Letter attached to foregoing answer.

Inclosed in above document, pinned to it, a letter written from la Rochelle, dated November 29, 1742, addressed to Mr. de La Brosse, "Chez Durand, a La Croix Blanche, Rue St. Denis, Paris, acknowledging receipt of his letter of the 24th inst. . . . mentions having sent to him "Mr. Hersan who is a very honest man" and is astonished that he does not cultivate his acquaintance on account of the friendly advice he could give him, requests him to go to see Hersan on receipt of the present and to "communicate his (La B's) affairs for transportation or anything else, to propose to him to take charge of his note for 730 livres and to aid him to negotiate it, or, as he is indebted to said Bourgine, to advance 600 livres on Bourgine's account"; . . . discusses other

business and advises that he also charge Mr. Hersan with recovery of 1250 livres, giving him his (La B's) procuration . . . hopes the inheritance accrued to him in New Orleans is real . . . advises him to leave by next boat.

Last page of letter torn.

July 6. 2 pp.

Acknowledgment by Louis Beaumont of debt to Roquigny with a plea for extension of time of payment. See July 12th.

Acknowledgment by Louis Beaumont of his indebtedness to the heirs of deceased Roquigny for the sum of 150 piastres. He is willing to give security for said note if they will allow a delay for payment, and moreover to pay monthly for share in the Billiard; up to date he has paid for two months the sum of 12 piastres. The Billiard has been closed and he has made nothing and the person who has taken it back can produce neither receipt nor notes. Petitioner offers to mortgage said Billiard to heirs of Roquigny if they grant him time when he will pay on the returns thereof.

Signed: Baudmont.

July 7.
fo. 30. 27438.
4202. 1 p.

Jean Pierre Hardy complains of a beating inflicted on him by his wife and her son.

Declaration in Registry by Jean Pierre Hardy, called La Vierge, that being on the point of leaving for Mobile, and his wife being a fugitive from his home, he has determined to leave the effects of his house in safety at his neighbor's. He was surprised to see his wife arrive with her son Jean Baptiste Barbot as he was beginning to have wood placed on a wagon in fear of its being stolen, when in the moment she seized a log and with heavy blows of it on his body and in in his face threw him to the ground when her son attacked him, when the neighbors came to his aid. He prays that inquiry be made against said Barbot offering to produce witnesses.

Signed: hardy. Certified by Henry, Greff.

Document stained and charred.

July 7. 1 p.

Statement of expenses of official examination of the St. Michel.

Statement of costs of the visit made to the boat "the St. Michel from Curacao on petition of Sr. Bertrand, manager of the cargo of the said boat under Captain Martin Jacobe."

Detailed list of expenses, amounting to 87 livres.

Document stained.

July 10.
27439. fo. 30.
4203. 8 pp.

Marriage Contract of Pierre Lefort, called Capucin, soldier in the troops of the Marine, in Mr. Macarty's company, son of

Marriage contract. Pierre Lefort and Lucie Mayer.

Yves Le Fort and of Francoise Polly, a native of Paris, Parish of Saint Sulpice, on one side, and of Lucie Mayer, Widow of deceased Gatien Bredy, called Tourangeau, settler in this Colony on the other side.

Signed: Lefort. De Benac. Prevost. Lalouette. Gautiervougny. Chantalou. Jahan. Henry, Notary.

27441. 3 pp.

Inventory of property of the bride annexed to the marriage contract.

Inventory of Goods of Lucie Mayer, widow of Gaston Bredy made by Augustin Chantalou as Greffier in the presence of Sr. Pierre Le Roy, called Ferrand and Jean Gautier, which inventory is to be annexed to the contract of marriage passed between the said Widow Bredy and Pierre Lefort, covering household furniture, utensils, slaves, lots and houses, and tools.

Signed: Gautiervougny. Lefort. Mark + of Chantalou. Sr. Pierre Leroy dt Ferrand.

July 12. 1½ pp.

See July 6. Provenche, tutor of minors. Roquigny vs. Beaumont. Suit for rent and prayer for seizure of defendant's property.

Petition to Superior Council by Jean Baptiste Provenché, as tutor of minor heirs of deceased Roquigny for citation of Sr. Baudemont for recovery of a debt of 150 piastres, due to deceased Roquigny since last January, and he prays for seizure of the billiard game for security of said sum.

Signed: Lenormand for Provenche.

July 12. Order of citation signed by Raguet.

July 12. Notice of citation served on Sr. Bodemont, called Desloriers* by Sheriff Lenormand.

(*Baudemont calles Des Lauriers.) Document in good condition.

July 13.
27452. fo. 30.
4205. 3 pp.

Act of Apprenticeship. Francois Allevin binds himself for two years to Michel Meilleur to learn the trade of cobbler.

Contract of apprenticeship passed between Michel Meilleur, cobbler of New Orleans and Francois Allevin, aged about twenty-three years for two years in which to learn the trade, without wages and on clauses and conditions enumerated, in the presence of Augustin Chantalou and Francois Jahan, witnesses here residing.

Signed: Allevin. Chantalou. Jahan. Henry, Notary.

Document stained and charred, the ink having eaten through paper in several places.

July 16.
2664. 1½ pp.

Obligation by Sr. André Fabry de la Bruyère, Secretary of the Marine, of his

de la Bruyere engages to deliver to La Brosse 3307 pounds of deer skins.

indebtedness to Sr. La Brosse, charged with affairs of Sr. Bourgine for 3307 lbs. of deer skins, each pelt payable on delivery in a year from this date, which said Fabry is to receive from his trade in the Attakapas and for merchandise from Sr. La Brosse or Sr. Piemont. This obligation passed June 16, 1745. Signed: Henry, notary.

Receipt to de la Bruyere for said deer skins.

July 16, 1746. Receipt to Mr. Fabry for 3307 lbs. weight of deer skins in parchment mentioned in above copy of June 16, 1745, which have not been examined with condition that if some are found to be useless when examined he will account for same.

Signed: JBancio Piemont. Henry, N.

Edges torn and curled, upper margin stained.

July 18. 4 pp.

Citation and notice of judgments served on Andre Carriere.

Notice of citation served on Sr. André Carriere by Sheriff Lenormand, with copies of judgment in default against him dated Nov. 7, 1744, and notices of citation served on him on Dec. 2, 1744, and Feb. 2, 1745 by Beaupré.

July 22. 2¼ pp.

Petition of Thomas Desercy of Pascagoulas to be relieved from tutorship of the minor Charles Egron called Lamothe. The petitioner is 71 years old and the law dispenses him from service.

Petition to Superior Council by Thomas Desercy, resident of the Pascagoulas asking to be discharged from tutorship and curatorship of minor heir of deceased Charles Egron, called La Mothe, on account of his age (71 years) which dispenses him according to ordinances, laws and customs, and that Rene Sabourin, as son-in-law of said Egron be appointed to administer affairs and goods of said minor. (No signature.)

Order to communicate to Procureur General of the King. Signed: Lenormant.

Order to convene a family meeting to elect a tutor to said minor.

July 22. Meeting of relatives and friends of La Mothe, called before the Judge of Mobile to elect a tutor and curator to said minor in the person of Sabourin, as advised by Procureur General of the King. Signed: Lenormant.

July 22.
27494. 4210.
23½ pp.

Account by Antoine Aufrere to the Superior Council of his administration of the Succession of Raymond Amaiut Dausseville.

Account Rendered of Succession of Raymond Amiaut Dausseville by Sr. Antoine Aufrere by virtue of procuration of Miss Bernarde Amiaut, sole heiress under benefit of inventory and of Monsieur de Haut Manoir, advocate in the parliament of Paris, Surety of the said heiress. The procuration was addressed to Sr. Pery, and Sieur Aufrere was substituted in his place, and authorized

by decree of Superior Council of the Province of December 5th, 1743, to recover assets of said succession, Sr. Delille Dupart having furnished bond for him in the
27495. Registry of the Superior Council before MM. Raguet and Fleuriau, Procureur General of the King, on the 9th of the same month.

Account presented by Mr. Aufrere covers receipts, 2820 livres, 5 sols, negro slaves, tools, utensils on plantations, cattle sold judicially on request of accountant, proces verbal of sales which he gave to Sr. Barbin who credited
27497. them as receipts. Receipt furnished for above sales 52535 livres. Account of all slaves judicially sold, of those remaining with individuals at their risks; sale of slaves continued; sale of
27499. plantations, lots and houses judicially sold, receipt of which was given to Sr. Barbin; account of sums for goods held in lease by Sr. Darby for said succession; receipt for several payments
27501. made in specie, receipt handed to Sr. Barbin; Pery's personal debt, accountant charged with receipt, value of piastres there set at 12 livres, 10 sols, following King's edict for reduction of Colonial money at three-fifths loss, accountant is responsible for payments in specie with interest at 5% etc. . . . receipts amounting to 24805 livres, 14 sols, 11 deniers. Expense to 12781 livres, 6 sols. Affirmation that account is correct signed: Aufrere.

28518. July 22, 1746. Sr. Barbin notified of above account rendered by Sr. Aufrere, at his request and copy of same left with him by Sheriff Lenormand.

Notice of this accounting served on Barbin.

Document stained and lower margin eaten away.

July 23. **Sale** of an Indian female slave by Raymond
28524. fo. 30. Coquelin de la Thiolais to Pierre Cler-
4212. 1¾ pp. mont for 1000 livres in two hundred piastres, payable on the 25th inst., and the second payment in three months, Clermont furnishing mortgage security. Clermont declared that he could not sign and document is signed: Tiolais Coquelin. Chantalou. Jahan. Henry, notary.

Sale of an Indian female slave by Raymond Coquelin de la Thiolais to Pierre Clermont for 1000 livres.

Retrocession of said asle.

August 25, 1746. Retrocession of said slave to Sr. de la Thiolais by Sr. Pierre Clermont and the above act of July 23, declared null and void. Clermont declared that he could not sign nor write.

Signed: f. tiolais Coquelin.
Henry, notary.

Document badly stained, blotted with upper and lower margins torn.

July 23.
28519. fo. 30.
4211. 2½ pp.

Mutual donation between a husband and wife by notarial act.
The donation covered community property acquired after the marriage.

Mutual Donation before Notary Royal between Jean Manuel Dit La Fleur, resident of New Orleans and Catherine Pitrimieche his wife, who from the affection they bear each other bequeath voluntarily one to the other all the movables and immovables that they may possess at the time of deacease, to be enjoyed by the last survivor in whatever place he or she may be, as they have no children, declaring that they have been married five years but had no contract of marriage passed, having no property and what they have now, having been earned together, wishing this donation to be filed in Registry and everywhere else that need may be.

Signed: Jean Manuel Lafleur. Catherine pitrimieche. Henry, notary.

Procureur General approves the filing of same in the registry of the Council.

August 6, 1746. Demand by Procureur General of the King that this donation be filed in Registry for execution in its form and tenor. Signed: fleuriau.

Certificate that same has been read by Council and filed in the registry.

August 6, 1746. Above donation read before Council and order to file same in Registry. Signed: Lenormant.

Document stained, and charred.

July 25. 1½ pp.

See 5-7-46.
Delille Dupart, tutor of the minor children of Noel Busson and Marie, his wife sues Larche, second husband of the widow Busson for an accounting of the decedent's estate.

Petition to Superior Council by Sr. Delille Dupart, as tutor of minor heirs of deceased Noel Busson, and Marie Anne Bertin for citation of Sr. Larche to be ordered to render account of the goods of Busson's succession, and his wife following inventories, for fear of deterioration, to be sold, etc., according to the interest of the minors, considing that they are indebted to the Company of the Indies, reserving the right to come to such conclusions concerning said Larche, who married the widow of Busson as time may require.

Signed: Dupart. Gervais.

Note: Gervais was under tutor of the minors.

July 25. Order for citation of Larche signed: Raguet.

July 25. Notice of citation served on Sr. Larche on petition of Sr. Dupart by Sheriff Lenormand.

July 26.
28530.
4314. 10 pp.

Inventory made in jurisdiction of Mr. de la Loere at Illinois of goods that entered into partnership of Mr. De Gruy Verloin

Inventory made in Illinois of the effects of a partnership.

and "Duclozeau" by MM. Sebastian Tatin, Nicolas Thuillier, Devegnoir, Damial, Legros and Antoine Bienvenu, Arbitrators and Umpire, who brought with them the Greffier of the Jurisdiction of Illinois to record act.

Signed: S. Tatin. Bienvenu. Legray. De Gruyverloin. Barroz, notary.

Certificate of approval of said inventory by Delaloire Flaucourt at Fort Chartres, Illinois.

Certification by Delaloere Flaucourt at Fort Chartres of having seen inventory made by Baroz, Notary Royal of Illinois, of the goods and effects owned in partnership by MM. de Gruy Verloin and Declozeau in the presence of arbitrators and umpire officially appointed, and approved to serve as need may be.

Signed: Delaloere Flaucourt.

(No date).

Petition by Tesson, tutor of the minor Caron for appointment of a disinterested party to examine the account of Barbin former tutor of the minor and that the contentions of the parties be examined before a Councillor to be appointed by the Council.

Petition to Superior Council by George Tesson, acting as tutor of Marie Jeanne Caron, stating that by decree of July 2, 1746, Sr. Barbin was ordered to render account of tutorship of Jean Merle, called Grandjean, who was her tutor when he died. Sr. Tesson and Sr. Deville Degoutin married to said minor have furnished their debate and as a referee is needed to examine the said account, he prays that Sr. Degoutin be named as an interested party. He prays that said account and debates be examined before the Councillor it may please the Council to appoint.

Signed: Tesson. Deville Degoutin.

(No date). 4 pp.

See July 7, 1746. Fragment of testimony taken in Hardy case.

A fragment marked No. 0 38, evidently a fragment of different testimony taken in case of Hardy dit La Vierge, plaintiff, vs. his stepson Barbot for assault.

July 28.

Certified account of Pierre Ancelain of transactions with Boisnard of Rochefort.

Certification of account of Pierre Ancelain, merchant of New Orleans with Boisnard of Rochefort. Though certification is dated July 28, 1746, the account runs from May to April. Debit side amounting to 3671 livres, 9 sols, 9 deniers, and credits evenly balance.

Signed: Boisnard.

Document stained and upper corners torn away.

(To be continued)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA
XXXIX.

April, 1781.

(Continued from January, 1933.)

By LAURA L. PORTEOUS.
With Occasional Notes by Henry P. Dart.

April 5.

Criminal prosecution of Carlota, negress, slave of Francisco Brantal, for having attempted to set fire to her master's house.
No. 3477. 18 pp.
Court of Alcalde Dufossat.
Assessor, Postigo.
Escribano, Leonardo Mazange.

Carlota a negress, age 13 years admitted the attempt but said she was urged to do it by another negress named Juaneton. The latter is arrested, and after a careful inquiry is freed from the charges but is fined 10 pesos for not telling the truth.

Carlota was defended by a curator appointed by the court, she was found guilty and condemned to receive fifty lashes. The sentence was executed by the public hangman.

Alcalde Dufossat signs a statement to the effect that now at half past eight o'clock at night he has been notified by Francisco Brantan that while he was standing in the courtyard of his house, his little negress, slave, aged thirteen years, said to him: "Master see I have just made a fire in the courtyard, at the instigation of some negroes." He looked immediately to the place indicated and found below a pile of shingles that were against the wine vault of his house a hot coal wrapped in a cloth, but the coal was not burning, so Francisco Brantal brought the piece of cloth and the coal to Alcalde Dufossat. In accordance with the above statement he ordered the little negress arrested and proceedings taken to discover the criminal and accomplices and to sequester their property.

The arrest of Carlota.

Mazange certifies he went to Francisco Brantan's house with the Alcalde where the owner showed them the place Carlota, his slave, intended to set on fire. Nothing was burned, however, and the piece of coal Guido Dufossat had in his hand together with the cloth it had been wrapped in was not burnt either and they did not see any other indications of a fire, other than the coal. Pedro Pisani, Sheriff of the Court arrested Carlota.

Curator appointed for Carlota. Dufossat rules because of Carlota's minority, she must name a curator for herself and failing to do so one will be appointed for her. The escribano went to the prison and notified Carlota that she must choose her curator, she names Fernando Rodriguez. The Court sanctions the choice. Rodriguez is notified and qualifies. Dufossat confirms him in the curatorship.

Carlota's testimony. Carlota's testimony is taken in the presence of the Alcalde, Escribano and her curator. She is questioned as follows:

Why did she put fire under some shingles by the wine vault of her master's house? She said she was induced to do so by the free mulattress, Juaneton, who used to belong to Juan La Cou, called Dubourg. She did so, but repented of her bad act and called her master, telling him to put the fire out, making him see where it was, then her master came and removed the coal that had not yet burned the rag wrapped around it.

Did the mulattress promise her anything in the way of recompense to induce her to commit the crime? She promised her she would make her some reward, but she did not say what she would give her.

Does she know if the mulattress had any hatred against Mr. Dubourg? She does not know, but the mulattress told her it was her intention to have the fire consume Mr. Dubourg's house.

Does she know the persons with whom the mulattress associates? She has seen her many times in Mr. Bijon's house with Mariana the free mulattress.

Did Mariana ever speak to her of this resolution? No.

Since the time of the fire has she seen Juaneton? No, because she has gone to the plantation with her pirogue, which she did immediately.

Was it immediately after her departure that she put the fire in the courtyard? She said the mulattress went away at half past two of the day mentioned and the pirogue left before, but she does not know the hour.

Juaneton is ordered arrested. Alcalde Dufossat orders Juaneton arrested by Nicolas Fromentin and let the Warden of the prison issue a certificate that he holds her person and proceed to the taking of her declaration. A note states that the writ of arrest was issued.

Fanchon's testimony. Mr. Duparc's Fanchon is examined: Does she know Juaneton? Yes, she has known her for a long time. Did she ever sell her anything, or buy from her? Yes, she remembers of having sold her four long sausages. At what hour of the day, and in what month? In the morning at about eight o'clock, during the month of April, but she does not well remember

the date. Where was Juaneton after she bought the sausages? She was with the witness who accompanied her to the top of the levee where she left her. She does not know what she did after that time as she did not see her again.

Pompee is examined.

Pompee, Mr. Dubourg's slave is questioned: Does he know Juaneton? Yes, they both had once belonged to the same master. How long has it been since he has seen her? About two days ago he saw her on top of the levee, she had some sausages and other things she carried with her, and was near Mr. Magnon's house. At what hour did he meet her and did he talk to her? When he saw her he had crossed from the other side of the river, he came over to eat and presumes it was about two o'clock in the day. He told her he had come from the other side of the river because his master had sent him to his house in the city to see if his Madame needed him as some one had set fire to Mr. Meuillon's house. The mulattress said yes the house was set on fire, but the fire had been put out. She also said she was going to take the sausages to her daughter, Rosette on Mr. Dapremont's plantation and from there she expected to overtake her pirogue.

Juaneton arrested.

Alcalde Dufossat's writ of arrest for Janton (Juaneton) is carried into effect. Nicolas Fromentin, Deputy Sheriff, certifies that he has arrested Janton. Francisco Munoz, Warden of the prison also certifies that he holds her a prisoner in his charge. Detached but pinned to this page are two slips of paper, one that he, Munoz has received a free mulattress named Antonio; the second is a permit signed by Piernas for Janneton with a mulatto and two negroes to go to the Acadien Coast with some effects. This pass is dated April 1, 1781.

Juaneton is examined.

Juaneton is questioned in the following manner: What day did she leave the city for the Coast? She left the city Wednesday, the 4th of the current month at nine o'clock. Why did she go, and with whom? She answered to trade, and had for her rowers, Bastien, slave of Regidor Juan Arnoult, and Juan Luis, who belongs to Mrs. Terriere. Did she embark in her pirogue at the same hour that she left the port? No, she went up to Mr. Le Breton's plantation where she met it. She had her pirogue cross to the other side of the river, there she left it for Regidor Juan Arnoult's plantation where she slept. Did she leave the same day Pedro Piernas gave her the passport? No she left the day following at half past nine. By what street did she leave the city and did she speak to any one on the road? She left the city by the street where Madame Santilly (Gentilly) lives and she did not speak to anyone except one of the guards and he asked her where she was going, she answered up above. On Mrs. Pizeros' plantation she met the

negro, Cupidon, who belongs to Mrs. Bertelon who told her that her pirogue was in front of Mr. Le Breton's plantation.

Where did she sleep that night and since the day of her return to the city? On the 14th of the current month she returned and has slept on the other side of the river where she had gone at night to look for the money Mr. Dubourg Jr. owes her. Where does she live in this city? In a house belonging to Mr. Fleury. Does she know Francisco Brantan's little negress, Carlota? No. She never goes to this house. She remembers about six months ago she went once to get a tub of water. What slaves living in Mr. Meuillon's neighborhood does she know? At Mrs. Andry's house she knows Genoveva and Themir; Mrs. Chauvin's Mariana and Mrs. Dubourg's slaves, but she does not go to this house. Why does she not go to Mrs. Dubourg's since she was once her owner? She did not go to her house because Mrs. Dubourg was angry with her. Why was Mrs. Dubourg angry with her? Because her daughters were fugitives and besides because she had freed herself from slavery. Does she associate with the free people of color who live in Mr. Bijon's house and with the slaves that live at Mr. Meuillon's? She goes sometimes to Mr. Bijon's, but never to Mr. Meuillon's, she does not know his negress.

Does she know anything about the fire at Mr. Meuillon's on the 5th of the current month, at about half past twelve? She said she had been told of the fire at Mr. Bellisle's plantation. Did they tell her who set the place on fire? No. Did she suspect anyone? She did not suspect any person and did not know because she was absent each time some one was guilty of starting a fire. Where was she arrested and by whom? As soon as she put her foot on land she was arrested by Nicolas Fromentin. To whom does the pirogue belong and who were the negroes who rowed her across? The pirogue belongs to Mr. Dubourg Jr., and it was the negro Claudio who conducted her over. Is she Claudio's concubine? Yes for a long time.

Claudio is questioned.

Claudio who belongs to Mr. Dubourg, Jr., is the next witness questioned: Does he know Juaneton and does he live with her? Yes for a long time. Who rowed her across the day she slept on the other side? He did, himself. They made the trip in a pirogue belonging to his master. Why did he pretend to know nothing at the time Juaneton was arrested and was not able to answer the questions put to him by Nicolas Fromentin? He said it did not happen that way and for proof of this he accompanied her to prison when Fromentin took her in. Did he come every night to sleep with Juaneton and does he know at what hour she left the city on the 5th of the current month to go to the German Coast? He said as a slave he had to be at his master's plantation early to begin work, for this

reason he could not say at what hour she left. Since the day Juaneton left the city to go to the German Coast did he not go to see her during the voyage? Until her return to the city he had not seen her. Does he know why Juaneton does not go to visit her old master? He has never spoken to her on this subject. Does he know where she slept the day she left and who did she visit when she went up the river? He does not know anything about her from the day she left the city until her return. Why did he not deliver a letter directed by his master to an official of the Guard at the Chapitulas Post, just as soon as he arrived in the city? He said he could not deliver the letter at once as he wished to sell a load of wood before he did, and when the Militiaman, Calle arrested him he was going to deliver the letter. Where did Calle arrest him? When he was alone on Royal Street, he was arrested in front of Widow Duparc's house. When Calle passed in front of the Square did he call soldiers to take him to jail? Yes and immediately two soldiers took him to prison and he does not know any more.

Luis is examined.

Luis, belonging to Widow Terriere is the next witness to be questioned. Does he know Juaneton? Yes, he went with her as a rower on her last voyage. Where did he go in the pirogue, at what plantation did she stop? She stopped at Mr. Croizet's plantation that is on the Acadien Coast and from there they returned to the city. At what hour did they leave the city with the pirogue on the 5th of the current month? He said they left at about ten in the morning. Did Juaneton leave at the same time as they did? When the mulattress arrived at the pirogue she explained to him to leave the city about mid day. Where did the pirogue remain this day and where did the mulattress sleep? He said it rained much that afternoon they slept with Juaneton at Regidor Juan Arnoult's plantation. Where did the mulattress meet them on the road? She was on Mr. Arnoult's plantation when they arrived. Was it early, or at sun rise of the day they left the city that he saw Claudio, Mr. Dubourg's slave on the banks of the river talking to Juaneton and if they also saw him on Mr. Arnoult's plantation. He did not see him this day, nor after.

Bastien is questioned.

Bastien who belongs to Mrs Arnoult is the next to be examined. Does he know Juaneton? Yes he made the last voyage with her. What day and at what hour did they leave the city and where did they go? With Luis he went in the mulattress' pirogue from this Port Thursday the 5th of the current month at about nine o'clock or perhaps ten, they went to sleep at Mr. Arnoult's plantation. Did the mulattress embark with them? No they met her above at Mr. Arnoult's plantation. Where did they sleep with the mulattress? At the plantation above mentioned as it was night when they arrived there. The day they

left the city did he see Juaneton on the banks of the river talking to Claudio? No, he had never seen him talking to the mulattress. Did he see Claudio during the voyage? No. Did he know the day he left the city that someone had started a fire in Mr. Meuillon's house, or did he hear of it on the road? He said they were already at the German Coast when they heard it said there had been a fire in the city but they did not hear the particulars, nor that it was in Mr. Meuillon's house. What did Juaneton say when she heard of the fire? When they were up above she did not say a word, but when she came back to the city she said to them it was fortunate they did not have a fire in New Orleans. In the meantime the fire had been put out, and they accused her of the crime.

Carlota charged with the crime.

On April 17, Alcalde Dufossat sends the case to Assessor Postigo for advice and on May 10, a decree is rendered charging the crime against Carlota, Francisco Branton's negress. Her confession was ordered taken.

Carlota's confession.

Carlota's confession according to the established form of questioning gives the following information. Her name is Carlota, a slave of Francisco Brantan, she is a servant, a native of Senegal, unmarried, aged thirteen. She remembers the declaration she made and wishes it to become a part of her confession. She affirms and ratifies this declaration. Reminded that she had said Juaneton had left the city the day of the fire at half past two and Juaneton has declared it was nine, or half past of that day? She said it is true she left at half past two because she saw her on top of the levee after dinner, in front of the Square. Who arrested her and why? His Honor ordered her arrested because of the fire. Reminded how can she accuse the mulattress of having induced her to set her master's place on fire when she says she does not know her? The mulattress does not tell the truth if she denies knowing her. They often met and Juaneton gave her the "good-day". Asked if she does not know it is perjury to fail to tell the truth? Yes, but in all she had declared she has told the truth. Asked if she does not know that to calcumniate is an offense to God and that Justice will punish the delinquent? Yes, but in this case she has not said more or less than the truth.

Confrontation of Carlota and Juaneton.

Alcalde Dufossat on Postigo's advice orders the confrontation of Juaneton with Carlota. These two are brought together in the presence of Alcalde Guido Dufossat, Escribano Mazange and Fernando Rodriguez, Carlota's curator. Juaneton is reminded how can she deny having gone out of the city on the 5th of April when it appears from the declaration of Carlota and also her confession together with the testimony of Pompee, Luis and Bastien that she did?

She said she left the city much before twelve o'clock on the 5th of April, but she does not know the hour precisely. At which Carlota answered saying she had seen her above the square at two o'clock of that day.

Juaneton was asked how could she deny knowing Carlota when it appears from the girl's declaration that she promised her a reward? She did not promise her anything, but she remembers having given her a piece of pie, about a year ago for having helped to take a tub of water from the well on her master's land. Carlota answered her saying some days before the fire, at about seven o'clock in the morning she met Juaneton who told her to set fire to Mr. Dubourg's house and when she answered she could not, Juaneton told her at least you can set fire to your master's house and in this way it can be communicated to Mr. Dubourg's and Carlota answered her: "Yes if she could, she would do it, but if she could not, she would not do it." Then the mulattress promised her a reward without saying what it would be. To all the abovesaid Juaneton answered, saying what Carlota has said is false.

Reminded why do they deny what is evident from the records and the declarations that have been given and do they not know that it is a great crime to fail to speak the truth? They both say that what they have declared is the truth and they affirm it, but they did not sign as they do not know how to write.

The Definitive Sentence.

Alcalde Dufossat on Postigo's advice passes the definitive sentence to the effect that the crime has been proven against Carlota and so she is condemned to receive fifty lashes in the public streets of the city and to be put to shame for a half an hour. Juaneton is absolved as no offense has been proven against her, but she is condemned to pay a fine of 10 pesos for the costs of the ministers of justice for having failed to observe the sacredness of her oath.

The Public Punishment.

The prisoners are notified of this sentence and so is Francisco Munoz, Warden of the Prison, who is told to carry it into execution. He agrees to do so promptly. Munoz delivers Carlota to Nicolas Fromentin and in the presence of the Escribano, a patrol of soldiers and the town crier who announces the crime, Carlota receives fifty lashes from the hangman and is exposed to shame for half an hour. This ends the proceedings.

April 5.

Proceedings to discover the Criminals and accomplices who started the fire in Mr. Meuillon's house on the 5th of April of this year.

The Alcalde announces he has just been notified by various neighbors that at about half past twelve they discovered a little fire in Mr. Meuillon's hen house, therefore in accordance with the above statement His Honor or-

No. 3515. 10 pp.
Court of Alcade Dufossat.
No Assessor.
Escribano, L. Mazange.

Many slaves were examined and the evidence seemed to fix the crime on a negro who was not apprehended.

ders an investigation made of the act so as to discover the accomplices and criminals and to proceed to the taking of the declarations of any persons who might have some knowledge of the act, imprison the delinquents and seize their property.

Juan Carriere is examined.

The first witness to be questioned is Juan Carriere. Asked if he has any knowledge of the fire that was discovered in Mr. Meuillon's house or some buildings in his courtyard? He answered he was called by Guillermo Guignon, who reported seeing a fire in Mr. Meuillon's courtyard and begged him to go with him to help put it out. He did so and having gotten on top of the hen house they used thirty buckets of water and after much labor they put the fire out. The Regidors, Francisco Maria de Reggio, Joseph Ducros and Juan Arnoult came and ordered them to pull down the hen house to prevent the fire from spreading to the other buildings, which they did. Did he see any suspicious persons around the place and does he know any circumstances concerning the act? No and what he has declared is the truth.

Guillermo Guignan is examined.

Guillermo Guignon is questioned as to what he knows of the fire? He said at about half past twelve o'clock of the day in question he saw signs of fire in a hen house in Mr. Meuillon's courtyard so he called Mr. Carriere and the Regidors Francisco Maria de Reggio, and Juan Arnoult to go with him to the house to help extinguish it. They went and Mr. Carriere got up on top of the hen house and with water the witness handed him he put out the fire. To keep the fire from spreading the Regidors ordered the burning building demolished, which was done. Did he see any suspicious person in the courtyard or anywhere abouts, or did he suspect anyone and did he know of any other circumstances concerning the affair and did he think the fire came from within or from outside of the hen house? It seems to have come from without, but he did not see anyone, nor does he suspect anyone of having set fire to it. He does not know any more.

Luis Boisdore is questioned.

Luis Boisdore is heard. He says all he knows is that when he was passing in front of the house he saw a negress belonging to Mr. Meuillon leaving the courtyard with some effects she carried away and took to the levee.

Francisca is examined.

Mr. Meuillon's Francisca is questioned. Who did she see today or last night? She did not see anyone at either times. What effects did she carry to the levee? She carried some

things belonging to the free mulattress, Francisca, consisting of clothes, the pirogue in which she placed them was owned by Antonio Pinau, who went to Natchez. Where did the mulattress go and why? She went to Mr. Meuillon's plantation to be cured of an illness. Who was accustomed to visit the mulattress? Antonio Pino visited her frequently. Since when did Francisca wish to leave and did she go with Antonio Pino? She does not know. Did she see anyone on the lots immediately adjoining her master's, or in front of the house? No. Did the mulattress complain of any person white, or black either to-day or any other day. No. And although many questions were put to her concerning the affair she said she did not know anything more and could not presume to say where the fire came from, she had none in her fireplace as His Honor and the others saw at that time.

Maria Francisca is examined.

Maria Francisca, the free mulattress, is questioned. Where does she live in this city and when did she come to it? She has been living in Mr. Meuillon's house for twelve days. Did she have a permit from Mr. Meuillon to remain in his house and did she have many clothes there? Mr. Meuillon had granted her permission to stay and her effects consisted of her clothes, what she needed for her use and for her bed. Did she leave anything in the house and for how long? This morning she took a part of her clothes when she went to embark in a pirogue belonging to Antonio Pino, who had promised her passage to Mr. Meuillon's plantation. Who visited her in Meuillon's house, who were accustomed to visit his slave, Francisca? Antonio visited her at night, but she did not see anyone visit the negress. Where is Antonio now and where did he go? He is in charge of his pirogue and has gone to Natchez. Where was she when the fire took place? She was not in the house and had gone to Mr. Del'Isle's to effect some commissions that she had undertaken for several residents of Pointe Coupee. Did she make her home with Mr. Meuillon's Francisca? No. with a free negress, Mariana, who made her home there with Mr. Meuillon's permission. Did she suspect where the fire came from? No and she does not know anything more.

Mariana is called.

Mariana is called to testify. How long has she lived at Mr. Meuillon's and with whose permission? For a long time with Mr. Meuillon's permission. Some days ago did she not move her clothes and other effects from the house? No. All that belongs to her still remains in the said house. At the time it took fire was she in the house? She was in her room having her dinner. Did she see any white, or black man in the house, or in the courtyard? She did not see anyone that day but the people that came to put out the fire. Could she presume to

say who might have committed the crime? She has not seen anyone, nor has she heard the matter spoken of either and she does not suspect anybody.

Antonio Pino is examined.

Antonio Pino is the next witness. Has he known the free mulattress, Maria Francisca for a long time? He has known her for ten years. Has he transported her clothes in his pirogue? He has carried them at her request and delivered them at Mr. Charloi Beauvais' residence in Pointe Coupee. Did Francisca, Mr. Meuillon's slave take any effects to his pirogue for the mulattress? He does not know because he was absent from the pirogue all that day. Did the mulattress wish to go with him to any post, or plantation? He said she wished to go to Mr. Meuillon's plantation, but his pirogue was already overloaded, so he had to change his mind about taking her. Had he agreed to give her passage in his pirogue as far as Mr. Meuillon's plantation? He said she spoke to him about nine o'clock of that day and he had promised her passage, but having too much cargo already he had to refuse her in the end. Did he see anyone pass in front of the house or go into the courtyard during this day? No. How does he think the fire started at Mr. Meuillon's to-day, does he suspect any person? No, he does not know many people in the city, because he is a voyager. Does he know any circumstances relative to the act? No.

Francisco Brantan is questioned.

Francisco Branton answers: Does he know anything of the fire at his immediate neighbor's hen-house? He knows nothing except that he helped Mr. Carriere to put it out and he does not know any other particulars. And although other questions were put to him he said he did not know anything else.

Carlota is examined.

Francisca Brantan's slave, Carlota, is questioned: Does she know anything about the fire at Mr. Meuillon's house? Yes, the fire was put there at mid-day by the negro, Magnan, who was from the land of Francisco Eme, resident of the German Coast and that she saw him take a piece of fire on top of the hen house at Mr. Meuillon's, and then a little while after the fire began. Does she know from what nation the negro comes, to whom does he belong and does he sleep in the witness's room? The negro is from Senegal, she does not know the name of his owner, but he makes his home at Salomon Mallines' house in a lower room. He has never slept in the witness's room, she only knows him because they came together from the same Province on the same ship. Does she know if the negro, or any others attempted to set fire to other places at other times? Some days before, the negro told her in the presence of Arrieta, Mrs. Andry's slave that he and his master had attempted to set fire to Mr. Caille's house with a half burnt

charcoal, but they were discovered by the Patrol and fled to the woods, the day following they returned to the city. And although other questions were put to her, she knew nothing more about the affair. She declared she told the truth under oath and that she was thirteen years old, she did not sign because she does not know how to write.

Arrieta is examined.

Mrs. Andry's Arrieta is the next to appear. She was asked if she was present when the negro Magnan, told Carlota that he and his master had attempted to set fire to Mr. Caille's house, but at the time they tried to do so with a piece of hot charcoal they were discovered by the Patrol so they fled to woods, until the next day when they returned to the city? She said yes it is true, the negro told Carlota all the question contains. Did she not report the matter to her Madame? She said no, the negro begged them not to reveal this to anyone. Of what nation is the negro, and does she know his master? He is from Senegal, slave of an Englishman whose name she does not know. Once below the city she had seen him talking to Carlota, and that it was she who had told the witness the negro intended to start fires in some places, but she did not know where, did she know with what persons the negro held communication? She said she thought he lived in the room of Theresa, who belongs to Mrs. Dubreuil, because she had often seen him in her company and had never seen him with anybody else. She could give no further information and said she was fifteen years old.

Theresa is questioned.

Mrs. Dubreuil's Theresa is called; when questioned upon Arrieta's testimony she said she only knew him because she had seen him talking to Carlota and Arrieta at the doors of Mr. Branton's house. What day? She answered the morning of the day that the fire broke out at Mr. Meuillon's house. She also saw him talking to both of the above mentioned negresses day before yesterday, a little before the discovery of the second fire in the same house. What is the negro's name? Magnin, of the Senegal nation and that he is Mr. Boldue's slave. Did the negro, or any other person talk to her about the fire, or the intention to put it there? She had not heard any one speak of the affair. She could give no further information. The proceedings end with this testimony.

April 18.
Ignacio de Elena vs.
Manuel Ponse Pasquin.
No. 3491. 22 pp.
Court of Alcalde
Jacinto Panis.

The record opens with a certified copy of a general procuration written on stamped paper dated Havana, February 16, 1781, by which Nicolas Manjon appoints Ignacio de Elena to represent his

Assessor, Juan del Postigo. Escribano, L. Mazange.

To collect a debt.

The defendant claimed the privilege of a registered seaman of the King under the laws exempting him from ordinary civil jurisdiction and he petitioned Martin Navarro, Intendant General of Louisiana to remove the case to the latter's court. Navarro issued an order to Alcalde Panis, to send the records to the Court of the Intendancy and to cease further proceedings. The Alcalde complied but protested that the Intendant was in error because the defendant had renounced his privilege in the contract sued on.

interests in the city of New Orleans, or Mobile. The second entry also on stamped paper of Havana is dated from that city, November 18, 1780, and is entered as "Riesgo" risk, to the effect that Manuel Ponse Pasquin, owner and Captain of the packet boat, the Senor San Josef (called Arrogante) anchored in the Bay of this Port (Havana) soon to sail with registry for the Ports of Louisiana and San Francisco of Campeche, stipulates he has received from Nicolas Josef Manjon the sum of 1200 pesos that he has supplied and lent him and which he acknowledges was delivered to him before this act was drawn up, including all the premium of risk at sea in the present War, he hereby grants a formal receipt.

Besides he had 200 barrels of cane rum which he has taken on as cargo and registered for his own account and risk and as his own consignment and its contents is sufficient to secure this debt and all risks at sea, understood to be land, fire, friends, enemies and other maritime misfortunes, that can or may befall his packet boat during the voyage, which he prays His Divine Majesty will not permit to be a total loss. His estate will remain free to pay this debt. He constitutes himself full and liquid debtor for 1200 pesos, which he will pay for Nicolas Manjon after his arrival at any of the Ports of Louisiana to Geronimo La Chapela and if he is absent to Mathias del Puente y Ruis and in Campeche to Miguel de Lans, should he be away to his agent without any other requisition other than a certified copy of this document. A note added says that the 200 barrels of cane brandy which is carried as a risk is also mortgaged to pay the 1200 pesos.

The third exhibit is a substitution of Procuration dated New Orleans, April 8, 1781, by which Ignacio de Elena holding the power of attorney of Nicolas Joseph Manjan of Havana, appoints and substitutes for himself, Rafael Perdomo, as attorney to prosecute the suit to collect 1200 pesos from Manual Ponse Pasquin, resident of Havana, at present living in this city.

Armed with these three exhibits Ignacio de Elena in his petition sets forth, that the defendant is a debtor to his client for 1200 pesos. He prays for a writ of execution against any and all of his property for the full amount of the debt its one

tenth and costs. Panis on Postigo's advice orders the writ issued. A marginal note stipulates the writ was issued.

de Elena's second petition.

This is followed by Ignacio de Elena's second petition stating for two days the deputy sheriff has held the writ of execution without serving it as the law requires. This delay is prejudicial to him. He prays that he be ordered to proceed immediately. Panis on Postigo's advice orders the deptuy sheriff notified that within one day he must notify Manuel Ponze Pasquin of the writ of execution that has been issued against him.

Service of the writ.

Pedro Bertoniere, Deputy Sheriff, reports that he demanded payment from defendant, but he did not do so and as he has no property that could be seized, he leaves this writ open to be enforced whenever some property may be found. This is followed by a note signed by Leonardo Mazange to the effect that the foregoing proceedings were delivered to him by Rafael Perdomo on the 21st of the current month.

Martin Navarro requests Jacinto Panis to send the suit to him.

The next entry is an official communication directed by Martin Navarro, Intendant General, to Alcalde Jacinto Panis to the effect that he has been notified that a suit is being prosecuted in the latter Court against Manuel Ponze Pasquin by Ignacio de Elena, who should have presented himself in the Court of the Intendancy, because the defendant is registered as appears from his patent which he, the Intendant, orders enclosed with the second petition presented and the decree rendered at the end of it, the tenor of one and the other is as follows:

The Patent, or Commission. (copied from the original) Afonso Maria de Cardinas, First Officer of the Principal Contaduria of the Marine for Registry in this city and its parts, certifies that Manuel Ponze de Pasquin, son of Don Bernardo, born in Cadiz, resident of Havana, (his personal description given, shows nose short, eyes clear brown, aged thirty-six years, married.) Was registered this date in the class of seamen to serve under the standard of the King, in his Arsenals, ship yards and all the rest concerning the Marine in whatever place that may be assigned to him, obligating himself to whatever duty he may be called upon to fulfill. In virtue of which he must enjoy liberties, privileges and exemptions considered by His Majesty in accordance with and in conformty to, as it is declared in the Royal Councils, Chancelleries, Audiences and Courts of all the Kingdoms and Dominions, to which effect I give the present certificate vised by the Conde de Macuriges, Intendant General of the Marine signed by his hand and sealed with the Royal Arms of His Majesty in Havana, the fourth of January of one thousand seven hundred and seventy eight.

Alfonso Maria de Cardenas,—Vised Macuriges, Captain and owner of the Bargentine San Josef, called the Arrogante.

Copy of Pasquin's declaration. Manual Ponze Pasquin declares he owes several persons different amounts and among others, Ignacio de Elena who has presented himself in the Tribunal of Alcalde Jacinto Panis and in consideration that he has been registered as appears from the document duly presented, this suit belongs to Your Lordship's (Martin Navarro) Court, solely, therefore he prays that the demands made against him in the Alcalde's Court be removed to that of the Intendant's (Admirality Court).

Decree. Martin Navarro orders the principal and secondary petition and the Patent of registration sent to the opposition and let letters requisitorial be sent with an enclosure of the second petition and this decree to Alcalde Jacinto Panis so that it may please His Honor to cede cognizance of the abovesaid suit and transfer it to this Court to which it belongs in conformity to the decree of His Majesty in Ordinance eleven of the Marine (Code) in part first title six.—Martin Navarro.—Before Andres Almonester y Roxas, Escribano of the Royal Treasury and Intendancy. Martin Navarro signs the above proceedings which are a copy of the original and in order that they may have effect he orders it sent to Jacinto Panis so that the case be transferred to the Court of the Intendancy. Panis on Postigo's advice orders the records sent to Martin Navarro's Tribunal.

Elena's official letter. The plaintiff writes a note to Perdomo asking him to suspend the written petition his attorney showed him that morning as he has revoked the substitution of procuration conferred upon him and has appointed another person in fulfillment of the orders of the interested party. He asks to be notified as to what is due Perdomo for his services so that he may pay him. Perdomo petitions that Elena's letter be filed with the suit as he has been notified of the decree sending the case to the Intendant's Court. Petition granted.

Panis answers Navarro. Alcalde Jacinto Panis sends a long communication to Martin Navarro explaining why he accepted the case in his Court, stating that the form of contract between the two litigants permitted him to do so, besides Pasquin therein renounces his rights of registration. He quotes various laws to prove the transaction should be prosecuted as a civil suit instead of a maritime one quoting various authorities on the subject.

Perdomo's petition. Rafael Perdomo prays for a taxation of costs as requested to do by Elena in his letter, who is leaving shortly for Havana

and wishes to settle with him before sailing. Petition granted and costs are taxed by Andres Armesto at 14 pesos, 5 reales.

Elena's petition.

The last entry is a petition by Ignacio de Elena asking for a certified copy of the proceedings, as he is about to leave for Cuba, so as to report to his client. Panis on Postigo's orders the copy made for which he must pay the just fees. A marginal note signed by Mazange dated May 22, 1781, states the certified copy was made on thirty pages and was delivered to Ignacio de Elena.

(To be Continued)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the Louisiana Historical Quarterly, published at New Orleans, for April 1, 1933.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn according to law, deposes and says that he is the Editor of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, to-wit:

1. That the names and addresses of the publishers, and the editor, are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart, 1822 Canal Bank Building, New Orleans, Managing Editor, None; Business Manager, None.

2. That the owners are The Louisiana Historical Society.

There are no stock holders; the officers are: E. A. Parsons, President; Andre Lafargue, First Vice-President; Jas. Wilkinson, Second Vice-President; Frank H. Waddill, Third Vice-President; J. Fair Hardin, Vice-President; Wm. A. Read, Vice-President; R. W. Colomb, Recording Secretary; H. M. Gill, Corresponding Secretary; Henry P. Dart, Archivist and Editor; J. B. Donnes, Treasurer.

(Signed) HENRY P. DART, Editor.

Sworn to and subscribed before me this 27th day of March, 1933.

JOHN DART, Notary Public.

(My commission expires at death.)